



ANNO TRICESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 63.

An Act for draining, preserving, and improving, the Low Grounds and Carrs, lying in the several Parishes, Lordships, Townships, Hamlets, Precincts, and Territories, of *Beverley, Saint John of Beverley, Grovebill, Sandholme, Storkbill, Molecroft, Leckonfield, Arram, Scorbrough, Lockington, Ayke, Bewick, Wilfholme, Kilnwick, Watton, Hutton-Cranswick, Rotsea, Featherholme, Skerne, Brigham, Fishholme, Nafferton, Lowthorpe, Harpham, Little Kelk, Foston, Burton-Agnes, Gransmoor, Lisset, Barmston, Ulram otherwise Owram, Skipsea, Dringboe, Beeford, North Frodingham, Brandes-Burton, Moor-Town, Leven, Emmotland, Hempholme, Goodbill House, and Struncheon Hill*, all in the East Riding of the County of York. [21st June 1798.]

**W**HEREAS several Low Grounds and Carrs, in the several Preamble. Parishes, Lordships, Townships, Hamlets, Precincts, and Territories, of *Beverley, Saint John of Beverley, Grovebill, Sandholme, Storkbill, Molecroft, Leckonfield, Arram, Scorbrough, Lockington, Ayke, Bewick, Wilfholme, Kilnwick, Watton, Hutton-Cranswick, Rotsea,*  
[Loc. & Per.] q s *Featherholme,*

*Featherholme, Skerne, Brigham, Fishbolme, Nafferton, Lowthorpe, Harp-  
ham, Little Keik, Foston, Burton-Agnes, Graafsmoor, Lisset, Barmston, Utram*  
otherwise *Owram, Skipssea, Dringhoe, Beeford, North-Yorkingham, Brandes-  
Burton, Moor-Town, Leven, Emmotland, Hempholme, Goodall House, and*  
*Struncheon Hill*, all in the East Riding of the County of *York*, com-  
puted to contain in the Whole Eleven thousand Acres, and upwards, are  
frequently overflowed with Water, for Want of proper Drainage and  
Outfalls, and are thereby rendered in a great Degree unprofitable to the  
Owners thereof, and a Loss to the Publick: And although the said  
Grounds and Carrs are capable of being effectually drained and preserved,  
to the great Advantage of the Proprietors thereof, and Benefit of the  
Publick, and may become much more fit and convenient for the Purposes  
of Husbandry, yet the same cannot be accomplished without the Authority  
of Parliament: May it therefore please Your Majesty that it may be  
enacted; and be it enacted by the King's most Excellent Majesty, by  
and with the Advice and Consent of the Lords Spiritual and Temporal,  
and Commons; in this present Parliament assembled, and by the Authority  
of the same, That the said Low Grounds and Carrs shall be drained and  
improved by such Ways and Means, under such Powers and Authorities,  
and subject to such Rules, Orders, Directions, and Provisions, as are  
herein-after mentioned, prescribed, and established.

Lands, &c. to  
be drained,  
to be taken  
out of the  
Jurisdiction  
of the Court  
of Sewers.

II. And be it further enacted, That, for the more effectual Execution  
of this Act, all the said Low Grounds and Carrs, and the several Owners  
and Occupiers of the same in respect thereof, and all Works already  
made or to be made by virtue of this Act, for the Purpose of Drainage  
or the Improvement of the said Low Grounds and Carrs, and also all  
Banks, Sewers, Drains, Watercourses, Cloughs, Stocks, Engines, and  
other Works, Matters, and Things whatsoever, within the said Low  
Grounds and Carrs, or belonging thereto, shall, from and after the First  
Meeting of the Commissioners herein-after appointed, be subject only  
to the Controul, Directions, Survey, Order, and Jurisdiction, of the  
Commissioners herein named, or hereafter to be appointed by virtue of  
this Act, and not to the Controul, Direction, Survey, Order, or Juris-  
diction, of any Commission of Sewers; any Law or Statute relating to  
Sewers, or any former Law or Statute to the contrary notwithstanding:  
Provided always, that nothing herein contained shall extend, or be con-  
strued to extend, to take away the Jurisdiction of the Commissioners of  
Sewers in and over the River *Hull*, or to exonerate the Owners and Occu-  
piers of the said Low Grounds and Carrs from any Burthen or Charge  
they are now subject to, in respect of the cleaning and bottom-scouring  
the said River.

For appoint-  
ing Commis-  
sioners, and a  
Clerk.

III. And be it further enacted, That *Peter Nevill of Riston Grange*,  
in the County of *York*, *Joseph Dickinson of Beverley Park*, in the same  
County, and *John Hall of Scarborough*, in the same County, Gentlemen,  
shall be, and they are hereby appointed Commissioners for putting this Act  
in Execution; and that all Acts, Matters, and Things, hereby directed  
and authorized to be done by the said Commissioners, may be done and  
executed by any Two of them, and the same shall be as valid and effectual  
as if done and executed by all the said Commissioners; and that *Christo-  
pher Keld*, of *Beverley* aforelaid, Gentleman, shall be, and he is hereby ap-  
pointed the Clerk to the said Commissioners.

IV. Provided always, and be it further enacted, That the said Commissioners shall continue to be, and to act as Commissioners from the Time they shall have taken the Oath or Affirmation, hereby directed to be taken, until the last *Thursday* in the Month of *June*, which will be in the Year of our Lord One thousand eight hundred and one, and that the Proprietors of the said Low Grounds and Carrs, for the Time being, shall then and afterwards, at the Expiration of every Three Years, to wit, on the last *Thursday* in the Month of *June*, meet at the Sessions Hall for the East Riding of the County of *York*, situate at *Beverley* in the said Riding, between the Hours of Twelve of the Clock at Noon and Two of the Clock in the Afternoon; and the same Proprietors, or the major Part of them who shall be then and there assembled, shall then and there elect Three discreet Persons (not interested in the said Low Grounds and Carrs) to be the Commissioners for putting in Execution this Act, for the Three succeeding Years, and so *toties quoties*; and that such Persons, so to be elected and chosen Commissioners as aforesaid, shall from Time to Time be and continue Commissioners for the Purposes hereby intended, first taking and subscribing the Oath or Affirmation herein-before directed to be taken, and in like Manner as the same is directed to be taken by the Commissioners appointed by this Act, until others shall be chosen as aforesaid, and shall have the like Powers and Authorities, and be subject to the like Provisions, Regulations, Restrictions, and Directions, as the Commissioners appointed by this Act are now vested with or are subject to.

A fresh Election of Commissioners to take place every Three Years.

V. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Proprietors, or the major Part of them, at every fresh Election of Commissioners, to re-elect and chuse the former Commissioners, or any of them, if they shall think fit.

Commissioners may be re-elected if the Proprietors think fit.

VI. Provided always, and be it further enacted, That in case at any Time or Times any Proprietor or Proprietors of any of the said Low Grounds and Carrs shall be dissatisfied with the Conduct of the said Commissioners, or any of them, it shall and may be lawful to and for any Five Persons, being such Proprietors, and entitled to vote in Person or by Proxy at Meetings of Proprietors, as herein-after mentioned, to appoint a Meeting of the Proprietors, to be held at *Beverley* in the County of *York*, to take into Consideration such Conduct, by giving, in One of the *York* and One of the *Hull* Newspapers, Thirty Days Notice of such Meeting; and the Proprietors so entitled to vote as aforesaid, or the major Part of them who shall meet in pursuance of such Notice, shall and may, if they think fit, remove and displace such Commissioner or Commissioners whose Conduct shall be complained of, and appoint some other Person or Persons to be a Commissioner or Commissioners in his or their Stead; and every Commissioner so elected shall have the like Power and Authority to act in the Execution of this Act as the Commissioner or Commissioners in whose Stead he or they shall be elected, was invested with.

Proprietors may displace Commissioners, if they see Cause, and appoint others in their Stead.

VII. Provided also, and be it further enacted, That whenever any Commissioner or Commissioners shall be removed or displaced as aforesaid, or any other or others shall be chosen in his or their Room as herein-before directed, such Commissioner or Commissioners shall give and deliver unto the

Commissioners displaced to account.

the remaining or succeeding Commissioners or Commissioner, or in case all the Commissioners shall be removed or displaced, unto the Proprietor or Proprietors who shall so displace them, the like Accounts, Books, Papers, Writings, and Receipts and Vouchers for Payments, and make such Payments, and shall verify the same upon Oath before One of His Majesty's Justices of the Peace for the said East Riding, under the like Pains and Penalties, and in such Sort, Manner, and Form, as is by this Act required from the Clerk, Collector, Receiver, Treasurer, Surveyor, or any other Officer appointed by the said Commissioners, or as near thereunto as the Nature of the Case will admit.

Allowance to Commissioners.

VIII. And be it further enacted, That out of the Money that shall be raised by virtue of this Act, there shall be paid to each of the said Commissioners, as a Recompence for his Pains, Trouble, and Expences, the Sum of Two Pounds and Two Shillings and no more, for each Day he shall be employed in attending the Execution of this Act, and in travelling from and returning Home; and that thereout the said Commissioners shall defray their travelling and all other their Expences.

Persons advancing Money for obtaining or executing the Act, to be repaid with Interest.

IX. And be it further enacted, That if any of the Proprietors of or Persons interested in the said Low Grounds and Carrs, or any other Person or Persons, shall *bona fide* advance any Money for defraying the Charges and Expences of soliciting and obtaining this Act, and preparatory and incident thereto, and of carrying the same into Execution, such Person or Persons, and also such other Person and Persons as have already advanced any Money for those Purposes, shall, by and with the Approbation and Consent of the said Commissioners, out of the First Monies which shall be raised by virtue of this Act, be repaid the same with Interest, after the Rate of Five Pounds *per Centum per Annum*, from the respective Times of advancing the same.

X. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, until he shall have taken and subscribed the following Oath or Affirmation; (that is to say),

Commissioners Oath.

‘ I do swear, [*or*, being One of the People called *Quakers*, do affirm], That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Powers reposed in me, and hear and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of an Act for draining, preserving, and improving, the Low Grounds and Carrs, lying in the several Parishes, Lordships, Townships, Hamlets, Precincts, and Territories, of *Beverley, Saint John of Beverley, Grovehill, Sandholme, Storkhill, Molecroft, Leckonfield, A ram, Scorbrough, Lockington, Ayke, Beswick, Wilfholme, Kilnwick, Watton, Hutton-Cranswick, Rotsea, Featherholme, Skerne, Brighm, Fishholme, Nafferton, Lowthorpe, Harpham, Little Kelk, Foston, Burton-Agnes, Gransmoor, Liffet, Bernston, Utram* otherwise *Owram, Skipsea, Dringhoe, Beeford, North Frodingham, Brandes-Burton, Moor Town, Leven, Emmetland, Hempholme, Goodbill House, and Struncheon Hill*, all in the East Riding of the County of *York*, without Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Which

Which Oath or Affirmation it shall be lawful for any One of the Justices of the Peace for the said East Riding to administer, and he is hereby required to administer the same; and the Oath or Affirmation, so taken and subscribed by each Commissioner, shall be written upon Parchment, and annexed to the Award herein-after directed to be made by the said Commissioners.

XI. And be it further enacted, That the said Commissioners shall meet at *Beverley* aforesaid, within One Month after the passing of this Act, or so soon after as conveniently may be, and proceed to the Execution of the Powers hereby reposed in them, and shall afterwards, Once in every Year, (to wit), on the last *Thursday* in the Month of *June*, pursuant to Notice for that Purpose, to be inserted by the Order of the said Commissioners, in One of the *York* and One of the *Hull* Newspapers, at least Seven Days before every such Meeting, meet at some Public House or Place in *Beverley* aforesaid, as the said Commissioners shall appoint, and shall and may, from Time to Time, adjourn themselves to such Time and Place as they the said Commissioners shall think most convenient for the Purposes of this Act; and if a sufficient Number of Commissioners shall not appear at any such Meeting, to act or adjourn to any other Time and Place, then the Clerk to the said Commissioners shall adjourn such Meeting to and appoint the Commissioners to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed to be held, and shall cause like Notice thereof to be inserted in One of the *York* and One of the *Hull* Newspapers, at least Ten Days before any such Meeting: And in case at any Time no Adjournment, Notice, or Appointment for a Meeting shall be made or given by the Clerk, then it shall be lawful for the said Commissioners to cause Notice to be inserted in One of the *York* and One of the *Hull* Newspapers, appointing a Meeting of the said Commissioners where the last Meeting of the Commissioners was appointed to have been held, at such Time as they shall think proper, not less than Ten Days from the Time of giving such Notice.

Appointing the First and other Meetings of the Commissioners.

Adjournments of Commissioners Meetings.

XII. And be it further enacted, That no Commissioner nominated or appointed, or who shall be elected by virtue of this Act, shall be empowered to act or do any Matter or Thing in the Execution thereof, at any other Time or Times than at Meetings to be held in pursuance of this Act, or in consequence of or by Orders made at such Meetings.

Commissioners to act at Meetings or by Order of Meetings only.

XIII. And be it further enacted, That at any Meeting of the said Commissioners in pursuance of this Act, they shall and they are hereby empowered to make Orders and give Directions for the better and more regular Management of the Works for draining and improving the said Low Grounds and Carrs; and also from Time to Time to appoint such Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, and after this First Appointment, the Clerk, and such other Officer or Officers as they shall think needful for the superintending or carrying on of any such Works, and for collecting and receiving the Rates or Assessments which shall be made or assessed by virtue of this Act for the Maintenance thereof, and for paying and defraying the Charges and Expences incident to the Execution of this

Commissioners to direct the Works of Drainage, and to chule and remove Collectors, &c.

Collectors, Treasurers, and Surveyors, to give Security for the due Execution of their respective Offices.

Clerk, Collectors, Treasurers, and Surveyors, &c. to obey the Orders of the Commissioners, and to have such Salaries as the Commissioners shall appoint.

If Proprietors are dissatisfied with the Appointment or Removal of Officers, any Fifteen may call a Meeting to rescind or make void such Appointment.

Act, and for any other necessary Purpose in the Execution thereof; which said Clerk, Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, and other Officers, or any of them, shall and may be from Time to Time removed and displaced, as often as they the said Commissioners shall see Cause; and all and every such Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or such other Officer or Officers so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners for the due Execution of their respective Offices and Trusts, and especially for taking Care of the Materials, Matters, and Things that shall be committed to their Charge, put under their Care, and over which they shall respectively have any Direction and Controll, as the said Commissioners shall in their Discretion think fit: And the said Clerk, Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, and other Officers appointed or to be appointed as aforesaid, shall observe and obey all such Orders, Rules, and Directions, as the said Commissioners shall from Time to Time give, make, or appoint, for them respectively, and shall be respectively paid, out of the Monies to be raised by virtue of this Act, all such Salaries and Allowances, and at such Time or Times, and in such Manner, as the said Commissioners shall think reasonable, and order, direct, or appoint.

XIV. Provided always, and be it further enacted, That in case at any Time or Times any Proprietor or Proprietors of any of the said Low Grounds and Carrs shall be dissatisfied with the Appointment or Removal of any Engineer or future Clerk after the First Appointment, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers which shall be so made as aforesaid by the said Commissioners, or with the Conduct of any such Engineer, Clerk, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, it shall and may be lawful to and for any Fifteen Persons, who shall be entitled to vote at any Meetings of Proprietors, on signing a Requisition, in Writing, to call a Meeting of the Proprietors to be held at *Beverley* in the County of *York*, to take into Consideration such Appointment, Removal, or Conduct, by giving, in One of the *York* and One of the *Hull* Newspapers, Thirty Days Notice of such Meeting; and the Proprietors so entitled to vote as aforesaid, or the major Part of them, who shall meet in pursuance of such Notice, shall and may, if they think fit, rescind and make void such Appointment or Removal, and also displace and remove such Engineer, Clerk, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, whose Conduct shall be complained of; and in case the said Proprietors, or the major Part of them, shall at any such Meeting think fit to rescind or make void any such Appointment made by the said Commissioners, or to displace and remove such Engineer, Clerk, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, then and in either of such Cases, the said Commissioners shall forthwith proceed to the Election of some other Person or Persons in the Place and Stead of the Person or Persons whose Appointment shall be so disapproved of and rescinded, or who shall be so displaced and removed as aforesaid; and in case the said Proprietors,

prietors, or a Majority of them, shall, at such Meeting, think fit to re-appoint such Engineer, Clerk, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, with whose Removal they shall be dissatisfied as aforesaid, then the said Engineer, Clerk, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, shall, *ipso facto*, by virtue of the Resolution to be entered into at such Meeting, become and be re-appointed and re-instated in his Office or Place, in like Manner as if he had not been removed; and in such Case it shall not be lawful for the said Commissioners ever again to remove or displace such re-instated Engineer, Clerk, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, but it shall at any future Time be lawful for the said Proprietors, at any Meeting to be called in like Manner as above mentioned, to remove or displace any such Person or Persons whom they shall have so re-appointed as aforesaid; any Thing herein contained to the contrary in anywise notwithstanding.

XV. And be it further enacted, That every such Clerk, Collector, Receiver, Treasurer, Surveyor, or other Officer, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, whenever thereunto required, give unto the said Commissioners true and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how, when, and from whom such Monies shall have been received, and to whom disbursed, and for what Uses or Purposes, and shall from Time to Time and at all Times upon the Request of the said Commissioners, or any Person appointed by them, deliver or cause to be delivered into their Hands, or into the Hands of some of them, all the Books, Papers, and Writings, relating to the Execution of this Act, in the Hands, Custody, or Power of such Clerk, Collector, Receiver, Treasurer, or other Officer or Person employed in the said Receipt or Expenditure, together with proper Receipts and Vouchers for the Payments which shall have been made, and shall pay all such Monies as shall remain in their Hands to the said Commissioners, or to such Person or Persons, or to such Uses and Purposes as and when they shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Commissioners, (which Oath any One Justice of the Peace for the said East Riding is hereby empowered and required to administer); and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, or shall neglect or refuse to deliver to the said Commissioners such Books, Papers, and Writings, as shall be in his Custody as aforesaid, then and in any of the said Cases it shall be lawful for any Two or more of the Justices of the Peace for the said East Riding, or Place where such Officer or other Person shall reside, (not being interested in the said Low Grounds or Carrs), and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witnesses or Witnesses upon Oath, (which Oath the said Justices are hereby empowered and required to administer without any Reward), and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common

Officers to  
account.

Gaol of the said Riding or Place, there to remain, without Bail or Mainprize, until he or they shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid, and deliver such Books and Papers as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the said Riding or Place where such Person or Persons shall reside, (not being interested in the said Low Grounds or Carrs), to make Enquiry touching such Neglect or Refusal in a summary Way in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money, as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) after the Money remaining due and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Justices of the Peace, (not being interested in the said Low Grounds or Carrs), shall commit such Person or Persons to the Common Gaol of the said Riding or Place, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Commissioners or to such Person as they shall appoint to receive the same, which Composition the said Commissioners, at any Meeting assembled, are empowered to make.

The Offices of  
Treasurer and  
Surveyor not  
to be united.

XVI. Provided always, and it is hereby declared and enacted, That the several Offices of Receiver or Treasurer, and Surveyor or Superintendent, shall not be united in the same Person or Persons.

Commission-  
ers may make  
Drains, &c.

XVII. And be it further enacted, That they the said Commissioners shall and may, and they are hereby empowered, from Time to Time, to desert or destroy, and to order or cause to be deserted or destroyed, or to continue, maintain, support, repair, direct, heighten, widen, enlarge, fill up, change, remove, alter, and divert, or order or cause to be continued, maintained, supported, repaired, directed, widened, enlarged, filled up, changed, removed, altered, or diverted, all such Cuts, Drains, Ditches, Sewers, Sluices, Cloughs, Tunnels, Dams, Banks, Outlets, Engines, and Works, within or near the Lands hereby directed to be drained or improved, or in the Course the Drain shall go, as they the said Commissioners shall from Time to Time think proper; and also to make, dig, erect, and set up, and from Time to Time remove, vary, alter, support, and maintain, or order or cause to be made, digged, erected, set up, removed, varied, altered, supported, and maintained, all such new Cuts, Drains, Ditches, Sewers, Sluices, Cloughs, Tunnels, Dams, Locks, Weirs, Trenches, Passages, Banks, Bridges, Gates, Stiles, Outlets, Engines, and other Works and Conveniencies, within, upon, and through the said Low Grounds and Carrs, or any of them, and in, upon, and through any of the High Grounds within any of the Parishes, Lordships, Townships, Hamlets, or Places mentioned in this Act, or adjoining or near thereunto, and particularly within, upon, or through any Lands or Grounds in the Parishes and Places following; to wit, *Figham, Beverley, Skidby, Cottingham, and Sculcotes*, in the said East Riding, in such Manner as will be proper or sufficient to convey the Water through and from the said Low Grounds and Carrs into the River *Hull*, within the Parish of *Sculcotes*, at

or



or near unto a certain Clough called *Cottingham Clough*, adjoining to the River *Hull*, and also into the Sea, at such Place or Places as they the said Commissioners, shall think proper; and also to make Tunnels under the said River *Hull*, and any Roads, Ways, Rivulets, Beck's, Brooks, Canals, Watercourses, Drains, or Places, of such Height, Depth, or Width, and in such Direction, Manner, and Form, as they the said Commissioners shall from Time to Time think necessary or convenient for effecting the said Drainage, and for other Purposes necessary or expedient or incident thereto; and to purchase any House, Land or Ground, Tenements or Hereditaments, Cloughs or other Works or Things proper for accomplishing any of the Purposes of this Act; and shall and may dig, throw up, take, and carry away, any Earth, Clay, Soil, Stone, Gravel, or other Materials, for the making, deepening, widening, carrying on, ordering, repairing; and perfecting, any of the Works by this Act directed or intended, in, upon, from, or out of, any of the Grounds, of any Person or Persons, Body Corporate or Collegiate, adjoining or lying near to the said Works or any of them, or within which the same shall be made, or in any other Places where the same can be most conveniently got; and also to carry and convey the said Materials in, over, and upon, all such Land, and all other Lands and Grounds proper for the Conveyance thereof, and to place and lay any such Materials or Things on the Lands and Grounds near to the Place or Places where such Works, or any of them, shall be making; and also to make such Orders and Contracts, and give such Directions, and do such Acts for carrying on, effecting, and preserving the said Works, and for executing the Purposes of this Act, as they the said Commissioners shall think proper, making such reasonable Satisfaction and Recompence to the Person or Persons, Body Corporate or Collegiate, entitled to or interested in the Lands and Grounds through or upon which any such Works, Matters, or Things, shall be done, or who may be prejudiced thereby, or by means or in consequence thereof, for the Damages which shall be thereby sustained, as shall be settled and ascertained by a Jury, in the Manner herein-after mentioned, in case the said Commissioners shall not be able to come to any Agreement for the same with such Person or Persons, Body Corporate or Collegiate.

XVIII. Provided always, and it is hereby declared and enacted, That *William Chapman* of *Newcastle upon Tyne*, Engineer, shall, by Writing under his Hand, from Time to Time; direct which of the Drains shall be public or main Drains, and be done at the general Expence of the Proprietors of, and Persons interested in, the Low Grounds and Carrs to be drained into the River *Hull* by virtue of this Act, and which of the Drains shall be public or main Drains, and be done at the general Expence of the Proprietors of, and Persons interested in, the Low Grounds and Carrs to be drained into the Sea by virtue hereof; and that all such public or main Drains shall be made in such Course or Courses, and of such Dimensions as the said *William Chapman* shall, by Writing under his Hand, direct or appoint; and in case of his Death, Refusal, Absence from *Great Britain*, or Incapability of acting, then the said Commissioners shall, within Twelve Calendar Months next after such Death, Refusal, Absence, or Incapability respectively shall happen and be known, or as soon after as conveniently may be, from Time to Time, by Writing under their Hands, nominate or appoint some other able and experienced Engineer in the Stead and Place of the said *William Chapman*, who shall have, use, and exercise such and

Main Drain  
and public  
Drains to be  
set out by an  
Engineer.

the like Powers and Authorities as are hereby vested in the said *William Chapman*, and so *toties quoties*.

No Drain to be made within the Lands of Major General *Burton*, without his Consent.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said *William Chapman*, or the Commissioners hereby appointed, or to be appointed by virtue of this Act, to set out or make, or cause to be set out or made, any Drain whatsoever, within the Lands or Grounds of Major General *Napier Christie Burton*, lying between the River *Hull* and the Turnpike Road leading from *Hull* to *Beverley*, and extending from a Bridge erected across the said Turnpike Road, commonly called or known by the Name of *New Ings Bridge*, and near a House in the Occupation of *Robert Welburn*, and situated at or near the East End of a Drain called or known by the Name of *Cottingham Old Drain*, to another Bridge also erected across the said Turnpike Road, at or near a Place commonly called or known by the Name of *Cross Briggs*, without the Consent and Approbation of the said *Napier Christie Burton*, or to set out or make, or cause to be set out or made, any Drain whatsoever, within the Plantations of the said *Napier Christie Burton*, made on the opposite Side of the said Turnpike Road, without the like Consent and Approbation; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Surveyor of Drains and Banks to understand levelling with a Spirit Level.

XX. Provided also, and it is hereby declared and enacted, That no Person shall be capable of being appointed or chosen, or of acting, as a Surveyor or Superintendant of the Drains or Banks to be made by the said Commissioners by virtue of this Act, unless he shall, in the Judgement of the said Commissioners, understand and be experienced in taking Levels with a Spirit Level.

Contractors for Drains not to be discharged from their Contracts without a Certificate from the Surveyor of their having been duly executed.

XXI. And, in order to make the Surveyor or Superintendant of the Drains and Banks answerable for the Drains and Banks being duly executed and perfected according to Contract, be it further enacted, That the said Commissioners shall not discharge any Contractor for the making of any of the Drains or Banks hereby intended to be made from his Contract, or pay him for the same in full, until they the said Commissioners shall have received from the Surveyor or Superintendant of the Drains or Banks a Certificate, in Writing under his Hand, that the Drain or Bank in question has been made of the Width, Depth, and Dimensions, with such Slopes or Batters, and with such Forelands and Recesses, as are or shall be specified in the Contract for the same.

Commissioners, Engineers, &c. to have a Foot and Horse Road on the Sides of the main Drain.

XXII. And be it further enacted, That the Commissioners, Engineers, Collectors, Receivers, Treasurers, Surveyors, Superintendants, and other Officers, employed under or by virtue of this Act, shall have Licence and Liberty, from Time to Time, and at all Times, either on Foot or on Horseback, to go and travel, pass and re-pass along the said Forelands, or the Banks adjoining thereto, lying along the said main Drain and public Drains aforesaid.

For providing Swingbridges, Drawbridges, or otherwise,

XXIII. Provided always, That any Road which shall or may be made for the Use of the said Commissioners, Engineers, Collectors, Receivers, Treasurers, Surveyors, Superintendants, and other Officers, over or across

any Navigable Cut or Canal made or to be made, be so made, either with Swingbridges, Drawbridges, or otherwise, as to impede as little as may be every such Navigation.

So as to impede as little as may be the Navigation.

XXIV. And be it further enacted, That if at any Time or Times hereafter any Breach or Breaches, Gool or Gools, by Inundation or otherwise, shall suddenly happen in any of the Banks made for preserving the said Low Grounds and Carrs from Inundation, and they the said Commissioners do not immediately repair the same; that then and in every such Case it shall and may be lawful to and for the Proprietors of the Lands and Grounds thereto adjoining, or liable to be damaged thereby, forthwith to stop and repair the same, and the Charges and Expences which shall attend such Stoppage and Repairs shall be paid and defrayed by the said Commissioners out of the Monies to be raised by virtue of this Act.

Sudden Breaches in the Banks to be immediately stopped.

XXV. And whereas *Richard Savage Lloyd* Esquire is, or claims to be, seised or possessed of a certain Piece of Water and certain Land at *Watton*, contiguous thereto, which for many Years last past have been used as a Decoy for the catching of Wild Fowl: And whereas *Sir Charles Hotbam* Baronet is, or claims to be, seised or possessed of a certain other Piece of Water and certain Land at *Scorbrough*, contiguous thereto, which for many Years last past have been also used as a Decoy for the catching of Wild Fowl: And whereas the said Decoys will be rendered usefess, or greatly injured, when the said Low Grounds and Carrs are drained and improved, as directed by this Act, and by reason thereof the said *Richard Savage Lloyd* and *Sir Charles Hotbam*, and their Heirs respectively, will be deprived of receiving any or so much Rent as they now respectively receive, or are entitled to on Account thereof: Be it therefore enacted, That the said Commissioners shall make such reasonable Recompence and Satisfaction to the said *Richard Savage Lloyd* and *Sir Charles Hotbam* respectively, for the Damages which they shall respectively sustain by the Means aforesaid, as shall be agreed upon between the said Commissioners and the said *Richard Savage Lloyd* and *Sir Charles Hotbam* respectively, the said Commissioners, in making such Recompence, having Regard to the probable Improvement which the Land in the Decoys shall respectively receive from the said Drainage, when the same shall be effected, and the Expences attending the same shall be deducted; and if the said Commissioners and the said *Richard Savage Lloyd* or *Sir Charles Hotbam* cannot agree concerning the Amount of such Damage respectively, then the same shall be respectively assessed by a Jury and the Justices of the Peace, to be assembled at the General Quarter Sessions of the Peace for the said East Riding, under such and the like Rules and Regulations, Pains, Punishments, Penalties, and Forfeitures, and the Payment of such Costs, and in such Sort, Manner, and Form, in all Respects, as are herein directed, respecting the Value, or the Price, or Sum or Sums of Money, to be assessed by a Jury to be paid for Lands, Tenements, Buildings, or Hereditaments, to be made use of for the Purposes of this Act, or as near thereunto as the Nature of the Case and the Circumstances will admit; and soon after such Verdict shall be given, the said Commissioners shall pay to the said *Richard Savage Lloyd* and *Sir Charles Hotbam* respectively the Damages which shall be so assessed by the said Jury, out of the Monies which shall be then in their Hands, or which shall afterwards come to their Hands by virtue of this Act: Provided

Satisfaction to be made for Decoys.

Damages for Decoys to go towards discharging the Taxes to be charged on the Owners thereof.

vided always, that such Damages as shall be so agreed upon or assessed as aforesaid for the said Decoys, shall, in the first Place, go and be applied for and towards the defraying and discharging the Taxes and Assessments to be raised upon the Low Grounds and Carrs belonging to the said *Richard Savage Lloyd* and *Sir Charles Hotbam* respectively, by virtue of this Act, which shall be then in Arrear, and the Overplus (if there shall be any Overplus after the said Commissioners shall have made the Arrangement hereby directed) shall be paid to the said *Richard Savage Lloyd* and *Sir Charles Hotbam* respectively, to be applied to the same Uses as the said Decoys are now subject or liable to be applied respectively.

Commissioners, &c. to enter upon Lands, to view, survey, and admeasure the same, and to take Levels.

XXVI. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, or such Person or Persons as they shall appoint, without any previous Payment or Tender of Recompence, and without the Let, Hindrance, or Molestation, of any Person or Persons whomsoever, to enter upon and take a View, Survey, and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the said Commissioners shall think necessary to be used for any of the Purposes of this Act, doing thereby as little Damage as may be, and making Satisfaction as soon as conveniently may be for all Damages which shall be thereby occasioned.

Not to exclude Water coming from High Lands.

XXVII. Provided also, and it is hereby further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give the said Commissioners, or any of them, any Right, Power, or Authority, to exclude the Waters passing from the Lands that shall be adjudged High Grounds, to their respective Outfalls, either in the present or some new Course, Runs, or Outlets to be made by the said Commissioners; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Drain in the Parishes of Cottingham and Sculcotes, &c. to be of particular Dimensions.

XXVIII. Provided also, and be it enacted, That as well for the better draining and preserving the said Low Grounds and Carrs, as for the Security and Safety of the Lands and Grounds in the said Parishes, Lordships, Townships, Hamlets, and Places, hereafter mentioned; that is to say, *Beverley*, *Saint John of Beverley*, *Cottingham*, *Sculcotes*, and *Skidby*, the Drain or Cut which shall be made through the last-mentioned Parishes, Lordships, Townships, Hamlets, and Places, or any of them, shall be made and for ever afterwards be maintained and kept of Dimensions sufficient to prevent the Water from overflowing the Banks of such Drain or Cut, to the Injury, Damage, or Annoyance, of any of the Lands or Grounds through which the same Drain or Cut shall be made or carried, and which lie between *Beverley Beck* and the intended Outfall, into the River *Hull*; and also, that the Banks of the Drain or Cut intended to be made on the North Side of *Beverley Beck*, shall, for the Space of Three hundred Yards at the least, adjoining to the North Banks of the said *Beverley Beck*, be made Six Inches lower than the lowest Part of the Banks of the Drain intended to be made between the said *Beverley Beck* and the intended Outfall into the River *Hull*.

Tunnels or Culverts to be made with as much Expedition as

XXIX. And be it further enacted, That the subterraneous Passages, Banks, Bridges, and Works, shall from Time to Time, and at all Times hereafter, be maintained and repaired, and kept in Repair, at the Expence,

pence, Cofts, and Charges, of the Proprietors of the faid Low Grounds and Carrs, which fhall be drained into the River *Hull* by virtue hereof, with as much Expedition as may be, in fuch Proportions, Manner, and Form, as the faid Commiffioners fhall from Time to Time order or direct; and that the Crown or Top of the Intrados of the Arch of each of the faid fubterraneous Paffages fhall be laid at the leaft Two Feet below the refpective Bottoms of the faid River, Canal, Becks, Brooks, and Streams, in order the better to preferve the Water in the faid River, Canal, Becks, Brooks, and Streams.

may be, and the Crowns of the Arches thereof to be laid at leaft Two Feet below the Bottom of the River, &c.

XXX. Provided always, and be it further enacted, That nothing herein contained fhall extend to empower or authorize the faid Commiffioners to injure, prejudice, alter, or in anywife interfere with any of the Banks or Works erected or made, or to be erected or made, under or by virtue of an Act, paffed in the Fourth Year of the Reign of His prefent Majefty, intituled, *An Act for draining, preferuing, and improving, the Low Grounds and Carrs, lying and being in the Parifhes, Townfhips, Hamlets, Lordfhips, Precincts, and Territories of Sutton, Ganftead, Swine, Benningholme, Benningholme Grange, and Fairholme, North Skirlaugh, Rowton, Arnold, Long Rifton, Leven, Heigholme, and Hallytreeholme, Brandes Burton, and Bursfall, Esk, Tickton, Weel, Routh, Meaux, and Waghen otherwife Wawn, in Holdernefs, in the Eaft Riding of the County of York; or under or by virtue of an Act paffed in the Sixth Year of His prefent Majefty's Reign, to render the fame Act more effectual, without the Consent and Approbation of the Truftees appointed or to be appointed, and acting under the Authority of the laft mentioned Acts for the Time being, to be fignified at fome Public Meeting of the faid Truftees for that Purpose, of which Fourteen Days Public Notice fhall be given in One of the *York* and One of the *Hull* Newspapers.*

The Commiffioners not to interfere with the Banks, &c. of the prefent *Holdernefs* Drainage.

XXXI. And be it further enacted, That for the Prefervation and Security of the Low Grounds and Carrs in what is commonly called *The Holdernefs Drainage*, the Banks lying on the Wolds or Weft Side of the River *Hull*, oppofite to the Banks of the faid *Holdernefs* Drainage, fhall not exceed the Height of the Banks in the faid *Holdernefs* Drainage, and fhall be placed at leaft Fifty Yards from the Bafe of the faid *Holdernefs* Banks, except in fuch Parts as in the Judgement of the Truftees of the *Holdernefs* Drainage, it fhall be unnecessary; and that in the fame Banks lying on the Wolds or Weft Side of the River *Hull*, or in the Becks, Brooks, or Streams communicating therewith, fhall be made fome Overfall or Overfalls for the Water, for the Space, in the Whole, of Three hundred Yards in Length, and Six Inches lower than the mean Height of One hundred Yards in Length of the loweft Parts of the faid *Holdernefs* Banks, lying between *Beverley Beck* and *Mickley Bank*; and for the Prefervation of the Navigation of the fame River, the fame Banks, and alfo the Banks of the Becks, Rivulets, Streams, and Feeders running or flowing into the River *Hull*, fhall not be made of lefs Height than Twelve Inches above the ufual Height of the ordinary Spring Tides.

River Banks not to exceed the Height of the *Holdernefs* Banks, and to be placed at leaft 50 Yards from the *Holdernefs* Banks.

XXXII. And be it further enacted, That it fhall and may be lawful for the faid Commiffioners, to receive Propofals from, and enter into, make, and execute Contracts with any Engineers and Workmen, for draining the faid Low Grounds and Carrs, and for making any Bridges, Tunnels, Cloughs,

Commiffioners may enter into Contracts.

Cloughs, and other Works, and for providing proper Engines, Utensils, and Materials for those Purposes, and all other Articles, Matters, and Things concerning the same.

Commissioners, &c. not to have any Interest in Contracts.

Commissioners, &c. interested in any Contract, how to be punished

XXXIII. Provided always, and it is hereby declared and enacted, That no Commissioner, Engineer, Clerk, Collector, Receiver, Treasurer, Surveyor, Superintendent, or other Officer employed in the Execution of this Act, shall have or receive, or agree to have or receive, directly or indirectly, any Benefit or Interest whatsoever in or from any Contract to be made for any Works to be executed under the Authority of this Act; and that if, contrary to the true Intent and Meaning of this Act, any Commissioner, Engineer, Clerk, Collector, Receiver, Treasurer, Surveyor, Superintendent, or other Officer employed in the Execution of this Act, shall have or receive, or agree to have or receive, directly or indirectly, any Benefit or Interest whatsoever, in or from any Contract to be made for any Works to be executed under the Authority of this Act, he shall, on Confession or Conviction of the Offender or Offenders before any Two or more of His Majesty's Justices of the Peace for the said East Riding, upon the Oath of One or more credible Witness or Witnesses, (which Oath any One of the said Justices is hereby empowered and required to administer), forfeit and pay such Sum or Sums of Money as shall be thought reasonable by such Justices, not exceeding the Sum of Five hundred Pounds, to be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hands and Seals of the said Justices, and to be applied in such and the like Manner as any other Penalty or Sum of Money is by this Act to be levied and applied by or under a Warrant under the Hands and Seals of any Two Justices of the Peace for the said East Riding.

Lands to be purchased.

XXXIV. And be it further enacted, That the said Commissioners shall have Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, Buildings, and Hereditaments, which the said Commissioners shall judge necessary or expedient to be cut, digged, pulled down, thrown up, carried away, damaged, or otherwise made use of, for the Purposes of this Act, for the Purchase of such Lands, Tenements, Buildings, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Officers in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert, who are or shall be seised in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in, any such Lands, Tenements, Buildings, or Hereditaments, to contract for, sell, and convey, assign, and surrender, unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, Buildings, or Hereditaments, for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence to be made for the Damage which may be done to any such Lands, Tenements, Buildings, or Hereditaments, by the Execution

cution of any of the Powers of this Act; and all such Contracts and Agreements, Sales, Conveyances, Assignments, Surrenders, and Assurances shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, Custom, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in the Premises, pursuant to this Act, notwithstanding any Omission or Mistake of Matter or Form whatsoever; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Fourteen Days after Notice in Writing, signed by the said Commissioners, or any of them, and given to the Principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, Buildings, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by Reason of Absence shall be prevented from treating, or shall not produce and evince a clear Title to the Tenements they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners; then, and in every such Case, any One of His Majesty's Justices of the Peace for the said East Riding shall, and he is hereby empowered and required, from Time to Time, to issue out his Warrant, under his Hand and Seal, to the Sheriff of the County of *York*, or if such Sheriff shall be interested in the Matter in Question, then to One of the Coroners of such County, commanding such Sheriff or Coroner to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before His Majesty's Justices of the Peace, who shall be assembled at the then next General Quarter Sessions of the Peace to be held for the said East Riding, in order that out of them a Jury of Twelve Men may be drawn, and be sworn to enquire touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men, who can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the Justices of the Peace for the said East Riding, and each of them, is and are hereby empowered and required, by Warrant or Warrants under his or their Hands and Seals, or Hand and Seal, from Time to Time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said Justices of the Peace for the said East Riding, or any One of them, may, on the Application of either Party, order and authorize the said Jury, or any Six or more of them, to view the Places or Matters in Question; which Jury, upon their Oaths, to be administered by the said Justices, or any One of them, (which Oaths,

In case the Proprietors of Lands shall not agree to sell, the Commissioners to issue a Warrant to the Sheriff to summon a Jury to settle the Damages.

as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Justices, or any One of them, is and are hereby empowered and required to administer), shall enquire of, assess, and ascertain, the Sum and Sums of Money to be paid for the Purchase of such Lands, Tenements, Buildings, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said Justices, so assembled as aforesaid, (not being interested in the Matter in Question), shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Justices, shall be binding and conclusive, to all Intents and Purposes, against all Parties, Bodies Politic, Corporate, and Collegiate, and all Persons whomsoever: Provided always, that such Justices may adjourn such Appeal to any other Sessions of the Peace for the said East Riding, and finally determine the same at any of the said Sessions, and give Costs to either Party, as they shall adjudge to be reasonable.

Penalty on Sheriff, Coroner, Jury, or Witness, neglecting his Duty.

XXXV. Provided always, and be it further enacted, That if any Sheriff or Under Sheriff, or Coroner, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as a Juryman shall not appear, or appearing shall refuse to be sworn, or being sworn, shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn, or to affirm or give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Justices, shall, for every such Offence, forfeit and pay such Sums of Money as the said Justices, or the major Part of them, so assembled as aforesaid, shall appoint.

Contracts, Verdicts, Judgements, &c. to be lodged among the Records of the Court of Quarter Sessions.

XXXVI. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgements which shall be made and given in relation to any such Lands, Tenements, Buildings, or Hereditaments as aforesaid, (such Verdicts and Judgements being signed by any One of the Justices of the Peace, or by the Clerk of the Peace, or by the Deputy Clerk of the Peace, who shall be present at the taking of such Inquest), shall be copied into the Book or Books of the said Commissioners, and be lodged, for safe Custody, among the Records of the Court of Quarter Sessions, with the Clerk of the Peace for the said East Riding, or his Deputy, who shall give to the said Commissioners a Receipt for the same, when they shall be so lodged; which Receipt shall be preserved by the said Clerk to the said Commissioners, and shall also be copied into the said Commissioners Book or Books; and the said Clerk of the Peace, and Deputy Clerk of the Peace, and Clerk to the said Commissioners, shall permit and suffer any Person or Persons, from Time to Time, and at all Times within the Office Hours of Attendance, to peruse and inspect the said Originals and Copies respectively, and to take Copies thereof, or of any Part thereof, upon paying for every such Perusal, Inspection, and taking of Copies, the Sum of One Shilling, and no more.

XXXVII. And



XXXVII. And be it further enacted, That in all Cafes where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the faid Commissioners before the fummoning of any fuch Jury, for or in refpect of any fuch Lands, Tenements, Buildings, Hereditaments, or Damages, as aforefaid, that then all the Expences of fuch Jury, and the Witneffes attending in confequence thereof, and of the taking fuch Inqueft, fhall be paid by the faid Commissioners, out of the Monies to arife by virtue of this Act; but if any Verdict fhall be given for no more or a lefs Sum than fhall have been fo previoufly offered by or on the Behalf of the faid Commissioners, then and in every fuch Cafe fuch Expences fhall be paid by the Owners of or Perfons interefted in the Lands, Tenements, Buildings, or Hereditaments in queftion, and fhall and may in that Cafe be deducted out of the Sum to be paid to them by the faid Commissioners.

How Cofts of Verdict fhall be paid.

XXXVIII. And be it further enacted, That upon Payment of the Sum or Sums of Money fo to be affeffed and adjudged as aforefaid, after fuch Deduction as aforefaid, to the Perfon or Perfons to whom the fame fhall be fo adjudged, for the Purchase of the faid Lands, Tenements, Buildings, or Hereditaments, or for the Purchase of any Eftate or Intereft therein, fuch Perfon or Perfons fhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Surrenders, Affignments, and Affurances in the Law to the faid Commissioners and their Heirs, in Trust, for effecting the Purpofes hereby intended, or any Perfon or Perfons in Trust for them, of the faid Lands, Tenements, Buildings, and Hereditaments, or of fuch Eftate or Intereft for which fuch Sum or Sums of Money fhall be fo adjudged, and fhall procure all neceffary Parties to execute fuch Conveyances, Surrenders, Affignments, and Affurances, and fhall do all Acts, Matters, and Things, neceffary and requifite to make and derive a good, clear, and perfect Title thereto to the faid Commissioners and their Heirs, in Trust for effecting the Purpofes hereby intended, and fuch Conveyances, Surrenders, Affignments, and Affurances fhall contain all fuch reafonable and ufual Covenants as fhall, on the Part of the faid Commissioners, be required, and in cafe the Perfon or Perfons to whom fuch Sum or Sums of Money fhall be adjudged as aforefaid, fhall not be able to evince and make out a good and fufficient Title to the Premifes, to the Satisfaction of the faid Commissioners, and to make or procure to be made good, valid, and legal Conveyances thereof to the faid Commissioners, or any Perfon or Perfons in Trust for them, or fhall refufe fo to do, being thereto required, and fuch Sum or Sums fo affeffed and adjudged as aforefaid, after fuch Deduction as aforefaid being produced and tendered to be paid to him, her, or them, on their making fuch Title, and executing or procuring to be executed fuch Conveyances, Surrenders, Affignments, or Affurances as aforefaid, or fhall refufe to accept or receive the fame, being tendered to be paid to him, her, or them, or in cafe any fuch Perfon or Perfons, to whom any Sum or Sums of Money as aforefaid fhall be fo adjudged, cannot be found in the Eaft Riding of the County of York, or at his, her, or their accuftomed Place of Abode within *England*, or in cafe that by Reason of Difputes depending in any Court of Law or Equity, or for Defect of Evidence, it fhall not appear to the faid Commissioners what Perfon or Perfons is or are entitled to the Hereditaments in queftion, then and in every fuch Cafe it fhall and may be lawful to and for the faid Commissioners to order

Upon Payment of the Value affeffed the Eftate to be conveyed.

When a good Title cannot be made, or legal Conveyances executed,

or the Parties are not to be found,

Commissioners to order the Purchase Mo-

ney to be paid  
into the Bank,  
&c.

subject to the  
Order of the  
Court of  
Chancery, on  
Motion or  
Petition.

the said Sum or Sums so assessed and adjudged as the Value and Purchase Money for the said Lands, Tenements, Buildings, and Hereditaments as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, Buildings, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order Distribution thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises, with respect to Costs or otherwise, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what, and for whose Use, the same is or are received, to such Persons as shall pay any such Sum or Sums into the Bank as aforesaid; and such Receipt or Receipts shall be filed and certified in like Manner as is usual on Payments made into the Bank in the Name of the Accountant General under Orders of the Court of Chancery.

Immediately  
after Verdicts  
and Payments,  
&c. Estates to  
vest in the  
Commission-  
ers.

XXXIX. And be it further enacted, That immediately after such Verdicts, Judgements, and Proceedings of the said Justices and Juries, and Payment into the Bank as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given and filed as before mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons to whose Credit such Money shall be paid, in, to, and out of the Lands, Tenements, Buildings, Hereditaments, and Premises, to be purchased as aforesaid, shall vest in the said Commissioners and their Heirs, in Trust for effecting the Purposes hereby intended, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Credit such Payment shall have been made, but also shall extend to, and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Purchase Mo-  
ney for Estates  
held in Trust  
to be reinvest-  
ed in other  
Purchases to

XL. And be it further enacted, That the Principal Money arising from the Sale of any Lands, Tenements, Buildings, or Hereditaments, which shall be purchased for the Purposes expressed in this Act, of any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees

in

in Trust, Guardians, Committees, or other Trustees, or from any Femmes Covert, or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall exceed the Sum of Twenty Pounds, be paid to such Person or Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed then afterwards to be reinvested in the Purchase of other Lands, Tenements, Buildings, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands, Tenements, Buildings, Hereditaments, and Premises, which shall be purchased from them respectively by the said Commissioners were respectively settled, limited, or assured at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Name of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Commissioners; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would, for the Time being, be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled by virtue of this Act.

be settled to  
the same Uses.

XLI. And be it further enacted, That the Surrender or Conveyance of any such Estate or Interest of any Feme Covert to the said Commissioners, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of and attested by Two credible Witnesses, and duly acknowledged, and to be inrolled in the Register Office established at *Beverley*, in the East Riding of the County of *York*, for the Registering of Deeds, Conveyances, and Wills affecting Freehold Lands, Tenements, and Hereditaments, lying in the said East Riding, within Six Calendar Months next after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and farther, that all Bargains and Sales whatsoever, to be made of any such Lands, Tenements, Buildings, and Hereditaments, as shall be purchased by the said Commissioners by virtue of and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seized of any Estate in the Premises in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

Bargains and  
Sales to have  
the Force of  
Fines and Re-  
coveries.

XLII. And be it further enacted, That all and every Person and Persons whomsoever, having or claiming any Right, Title, Interest, Use, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, or out of any Lands, Tenements, Buildings, or Hereditaments, which by virtue and for the Purposes of this Act shall be purchased by, and conveyed, or mentioned or intended to be conveyed, to the said Commissioners, or any Person or Persons in Trust for them,

Persons hav-  
ing any Right,  
to make Claim  
within a li-  
mited Time,  
or the Right  
to be barred:

them, by any such Bargain and Sale as aforesaid, shall, within the Space of Five Years, to be computed from the Date of the Inrolment of such Bargain and Sale, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Clerk to the said Commissioners, which Book the said Clerk is hereby required to prepare and keep accordingly, and for which Entry he shall be entitled to such Fee, and no other, as the Register for the Register Office for the said East Riding is by Law entitled to for the Registry of a Memorial containing the same Number of Words; and all and every Person and Persons whomsoever, not entering such Right, Claim, and Demand, within such Time and in such Manner as aforesaid, or having so entered the same, and not prosecuting such Right, Claim, or Demand with Effect within the Space of Five Years to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, upon, or out of the said Premises and every Part thereof, and the said Commissioners and their Heirs, and those claiming by, from, or under them, shall be quieted in the Possession of all such Lands, Tenements, Buildings, and Hereditaments; any Law, Statute, Usage, Matter, or Thing whatsoever, to the contrary notwithstanding.

But may recover the Purchase Money, &c. from Persons receiving the same.

XLIII. Provided nevertheless, and be it further enacted, That any Person or Persons barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, in, to, or out of the said Lands, Tenements, Buildings, or Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Use, against any Person or Persons, or the legal Representatives of any Person or Persons, who shall have received all or any Part of the Purchase Money arising from such Sale of the said Lands, Tenements, Buildings, Hereditaments, and Premises aforesaid, and that in every such Case the respective Plaintiffs, on Proof of such Title as would have enabled them to recover such Lands, Tenements, Buildings, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to their Interest in the said Premises, together with such Interest as shall be equivalent to the Mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

Tenants at Will, &c. to deliver Possession.

XLIV. And be it further enacted, That every Lessee or Tenant for Years or a Year, or at Will, or any other Person or Persons in Possession of any such Lands, Tenements, Buildings, or Hereditaments, which shall be purchased by virtue of and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Commissioners, or the Person or Persons so authorized by them, to quit the same at such Time or Times as shall be required by such Notice, they the said Commissioners, or such Person or Persons making such Recompence to every such Tenant or Lessee as aforesaid, in case such Tenant or Lessee shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and such Person or Persons

in Possession shall, at such Time or Times as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, then it shall and may be lawful to and for the said Commissioners to issue their Precept or Precepts to the Sheriff of the County of *York*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession of the said Premises accordingly, and to levy such Costs, as shall accrue from the Issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

XLV. And be it further enacted, That in case any Lands to be used for the Purposes of this Act shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the Commissioners for the said intended Drainage, upon Application being made to them by each Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Commissioners are hereby authorized and required to pay such Sum or Sums of Money, after the same shall have been agreed for and adjusted, or assessed in Manner aforesaid, for such Lands in Mortgage, in Part of the principal Money that shall be due upon such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money, by an Indorsement to be made upon the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the principal Money due upon such Mortgage or Mortgages.

For paying off Mortgages on Lands used by the Commissioners.

XLVI. And be it further enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be paid or made pursuant to any such Agreement, Surrender, Conveyance, or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or be paid into the Bank of *England* as aforesaid, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to pull down any House or Houses, or other Erections or Buildings, or to make use of any Lands, comprized in or affected by such Agreement, Conveyance, Surrender, Verdict, or Mortgage respectively.

Purchase Money to be paid or tendered before any Use made of the Estate.

XLVII. And whereas some Part or Parts of the Lands, Tenements, Buildings, or Hereditaments, so to be purchased as aforesaid, may happen to be more than may be necessary to be made use of for the Purposes of this Act, be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners to let, sell, or dispose of, and convey, or to cause to be let, sold, or disposed of, and conveyed, such Part or Parts of the said Lands, Tenements, Buildings, and Hereditaments, to such Person or Persons as shall be willing to contract, agree

Commissioners empowered to let, sell, &c. any Ground not necessary for the Purposes of the Act.

for, rent, or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

XLVIII. Provided always nevertheless, and it is hereby declared and enacted, That the former Proprietor or Proprietors of such Part or Parts of the same Lands, Tenements, Buildings, or Hereditaments, as may not be necessary to be made use of for the Purposes of this Act, shall have the Preference of taking, renting, or purchasing the same.

If any Ditches be filled up, Posts and Rails to be fixed by Order of Commissioners;

XLIX. And be it further enacted, That when and as often as it shall be found necessary or expedient for carrying this Act into Execution, to fill up any Ditch or Ditches used for a Fence or Fences, the said Commissioners shall, and they are hereby required to order and direct sufficient Posts and Rails or other Fences to be made, maintained, and repaired, for the Space of Six Years, in the Room of such Ditch or Ditches so filled up, in such Manner as that the Owners or Occupiers of the adjacent Grounds may suffer no Damage by the filling up such Ditch or Ditches respectively; and that if by the making of any Drain, Ditch, or other Work, by virtue or in pursuance of this Act, the Passage of any Person or Persons to or from his, her, or their Grounds with Cattle or Carriages shall be prevented or interrupted, the said Commissioners shall, and they are hereby required, before or immediately after such Works shall be completed, to cause proper Bridges to be built and for ever after to be supported and maintained, for the convenient Passage of the Occupier or Occupiers respectively to and from the same, with his, her, and their Cattle and Carriages, and to defray the Expence of erecting, making, and maintaining such Bridges out of the Taxes or Assessments herein-after directed to be raised; but where any Bridge shall be altered or re-built by the Order of the said Commissioners in pursuance of this Act, such Bridge, so altered or re-built, shall for ever after be supported and maintained by and at the Expence of the same Person or Persons who, before the passing of this Act, was or were obliged to support and maintain the same.

and to erect Bridges, and afterwards maintain them;

but Bridges altered or re-built, to be repaired by the Person formerly liable thereto.

Assessments how to be laid until Works are perfected and Arrangements are made.

L. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required from Time to Time, until the said intended Drainage and all the Works necessary or proper for that Purpose shall be perfected, and the Arrangement or Arrangements hereby directed shall be made, to assess, tax, and charge, all and every the Proprietors of the said Low Grounds and Carrs, and of Rights of Common and Common of Pasture therein, or in any Part or Parts thereof, with any Sum or Sums of Money, which they shall think necessary or convenient for defraying the Charges and Expences incurred in the obtaining and passing this Act, and the carrying on and effecting the Purposes thereby intended, by an equal Acre Tax upon the said Low Grounds and Carrs, or otherwise in such Shares and Proportions, and in such Sort, Manner, and Form, as the said Commissioners shall deem just and reasonable, regard being had in so doing to the Benefit that such Person or Persons shall be likely to receive, and to the Time at which such Benefit shall accrue; and also to make, or cause to be made, and fairly written upon Paper, a separate Tax or Taxes, for each of the Townships or Parishes, the Lands whereof are to be assessed and taxed as aforesaid, which shall contain and express the Names of

of the several Owners and Occupiers of the Lands and Rights of Common within the said Townships or Parishes respectively, for the Sums for which they shall be respectively so assessed, and shall therein cause to be inserted Ten Days previous Notice of the Time and Place when and where, and of the Name and Names of the Person or Persons to whom the Payment thereof shall be made, to which Paper so to be written the said Commissioners shall respectively subscribe their Names, and then cause the Tax for each Township and Parish respectively to be affixed upon the Church Door of the respective Parish or Parishes so assessed and taxed, which Paper shall be a sufficient Notice to the several Proprietors and Persons interested in the said Low Grounds and Carrs, and the Rights of Common or Common of Pasture therein respectively, for the Payment of the Sum or Sums of Money wherewith they shall be charged as aforesaid.

LI. And be it further enacted, That the said Commissioners shall apply and dispose of the Monies to be raised and paid by the Ways and Means hereby directed, in the first Place, in discharging the several Charges and Expences of obtaining and passing this Act; and in the next Place, in the Drainage of the said Low Grounds and Carrs, and defraying the necessary Cofts, Charges, and Expences, attending the same, and the Execution of this Act.

Money to be raised, how to be applied.

LII. And be it further enacted, That in case any Doubt or Difficulty shall arise whether any Lands or Grounds shall have been subject to Inundation or have been overflowed or annoyed with Water, the said Commissioners shall determine the same by taking Levels thereof, or such other Evidence or Means as to them shall be deemed just and reasonable.

If any Doubt arise whether Lands be subject to Inundation, the Commissioners to determine it.

LIII. And be it further enacted, That in case any Owner or Owners, Occupier or Occupiers of Lands, rated and taxed by virtue of this Act, shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them respectively, within Thirty Days next after the respective Times of Payment so to be appointed by the said Commissioners as aforesaid, (publick Notice thereof being given as aforesaid), it shall be lawful for the Collector or Collectors, Receiver or Receivers, for the Time being, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners, (which Warrant or Precept such Commissioners are hereby empowered and required to grant as Occasion shall require), to levy the Sum so rated or taxed by Distress and Sale of any Goods and Chattels that shall be found upon the said Grounds and Premises so charged with any such Sum or Sums of Money, or upon any other Lands or Grounds in the Possession of any Tenant or Tenants, holding under the same Landlord, who shall be so rated or taxed as aforesaid, and lying within any of the Parishes, Townships, or Places, mentioned in this Act, and the Goods and Chattels so distrained to keep for Five Days, at the Cofts and Charges of the Owner or Owners, Occupier or Occupiers, leaving Notice in Writing of the Cause of such Distress at his, her, or their Dwelling House, or some conspicuous Part of the said Grounds and Premises; and if the Owner or Owners, Occupier or Occupiers, do not pay the Sum or Sums of Money so awarded, assessed, or rated, within the Space of Five Days, that then the said Goods and Chattels so distrained shall be appraised

Assessments how to be recovered.

Tenants to  
pay Taxes  
and deduct  
the same out  
of their Rent,

except under  
Leases for  
Three Years  
and upwards.

appraised by Two or more of the Inhabitants of the Parish, Township, or Place, where the same shall be taken, or by other sufficient Persons duly sworn by the Constable of the same Parish, Township, or Place, as is usual in Cases of Distresses for Rent, in order to be sold by the said Collector or Collectors, Receiver or Receivers, who is and are hereby authorized to sell the same for Payment of the said Money so assessed and rated, and the Overplus arising by such Sale (if any be), after deducting the Sum or Sums so rated or assessed, and the Charges of taking, keeping, appraising, and selling the said Distress, shall be returned to such Owner or Owners, Occupier or Occupiers, on Demand; and the several and respective Tenants of the said Lands and Grounds so directed to be drained and improved as aforesaid, who, or whose Landlords, shall be rated or assessed by virtue of this Act, are hereby required and authorized to pay such Sum or Sums of Money as shall be so rated and assessed, and to deduct the same out of his, her, and their Rent; and every Tenant or Tenants who shall make such Payment shall be acquitted and discharged for so much Money as the said Assessment or Rate shall amount unto, as if the same had been actually paid unto the Person or Persons to whom his, her, or their Rent was due or payable, except where a Lease of Three or more Years to come from the Commencement of this Act is subsisting; and in such Case the Proportion of the Assessment or Rate which the Tenant ought to bear and pay in Consideration of the Benefit he or she receives by such Lease, shall be adjusted and awarded by the said Commissioners; and in case any such Payment so to be made by any such Tenants as aforesaid shall exceed the Rent which shall be then in arrear and unpaid, that then and in such Case it shall and may be lawful for such Tenant to hold, possess, and enjoy the Lands and Tenements which he, she, or they shall so occupy, at and under the same Rent and Conditions as he, she, or they shall hold the same at the Time of making such Payment, and retain in his Hands such Rents until he, she, or they shall be thereby fully paid and satisfied such Sum or Sums of Money as he, she, or they shall have so paid and advanced as aforesaid, with lawful Interest for the same from the Time or respective Times of advancing thereof, and until he, she, or they shall be re-imbursed and paid the same by his, her, or their Landlord or Landlords: Provided always, that nothing herein contained shall extend, or be construed to extend, to affect the said Archbishop of York or his Successors for the Time being, as Lessor or Lessors, on Account of any Sum or Sums of Money which shall be advanced or paid by any such Tenant or Tenants as aforesaid.

Lessees on  
Leases at Rack  
Rent to pay  
an additional  
Rent.

LIV. Provided always, and be it further enacted, That on all Leases at Rack Rent of any of the said Low Grounds and Carrs, upon the taking or granting whereof no Fine or Foregift shall have been paid, the Lessees, or Tenants thereof, from and after the Expiration of the Current Year in which this Act shall pass, shall, for and during the Residue and Remainder of such Leases respectively, pay to their respective Lessors or Landlords such additional Rent for the Low Grounds and Carrs to them severally leased as the said Commissioners shall think just and reasonable.

Proprietors to  
pay according  
to the Trouble  
and Expence  
occasioned,

LV. Provided also, and it is hereby declared and enacted, That, in proportioning the Rates and Assessments to be laid and levied by virtue of this Act upon the several and respective Proprietors of and Persons interested in the said Low Grounds and Carrs, the said Commissioners shall



have regard, as well to the Trouble and Expence occasioned on Account of the several Proprietors and Persons interested as aforesaid respectively, and their respective Properties, as to the Benefit or Improvement that they shall respectively receive; and that no Rate or Assessment shall be laid or levied, for or in respect of any of the said Low Grounds or Carrs, which shall be left as Forelands between the said River *Hull*, and between any of the Becks, Brooks, or Streams, and any Bank or Banks which shall be recessed from the Verges or Edges thereof respectively.

as well as to the Benefit received.

LVI. Provided always, and be it enacted, That in the Event of the Right Honourable *William Lord Grantley* being dissatisfied with the Determination of the Commissioners, as to the Sum to be assessed on his Lordship's Lands, for or in respect of the Drainage in Question, then and in such Case, within Forty Days next after the said *William Lord Grantley* shall, by Writing under his Hand, give Notice to the Clerk to the said Commissioners of such his Dissatisfaction, and shall also by Writing under his Hand have appointed One Person as an Arbitrator, the said Commissioners shall, by Writing under their Hands, appoint another Person as an Arbitrator, and within Forty Days next after such Appointment shall be made, the same Arbitrators shall appoint an Umpire, and within Three Months next after such Appointment last mentioned, the said Arbitrators and Umpire shall meet together, and inquire into, ascertain, and finally determine, by an Award under their Hands, the Quantum of the Charges and Expences of the said Drainage through his the said *William Lord Grantley's* Estate, and the Proportion thereof, which ought to be defrayed by the said Lord *Grantley*; and that the said Arbitrators and Umpire shall be at Liberty to take into their Consideration in making such Award, how far the said *William Lord Grantley* ought to contribute his due Proportion of any other Expences for the Purposes of this Act; and shall charge the said Lord *Grantley* accordingly; and the said Arbitrators and Umpire shall, in such their Award, settle and determine the Time and Times of such Payments, and that the Sum and Sums which shall be so awarded shall be thereupon paid by the said Lord *Grantley* to the said Commissioners, and shall and may be raised and charged under the Provisions in this Act contained, in the same Manner as if the Assessment of the said Commissioners had been submitted to; and the said Lord *Grantley* shall be no further or otherwise liable to any Payment or Assessment under this Act: Provided always, that unless the said Lord *Grantley* shall, by Writing under his Hand, delivered or sent to the Clerk to the said Commissioners for the Time being, signify his Dissatisfaction at the Assessment to be made on him or his Estate, within Three Months next after Notice of such Assessment to be given to the said Lord *Grantley*, he the said Lord *Grantley* shall be concluded by the Assessment to be made.

Directing the Manner of Lord *Grantley's* contributing to the Expences of the Drainage.

LVII. Provided also, and be it further enacted, That in case no sufficient Distress can be found on the said Lands and Grounds before described, by reason of their being unoccupied or untenanted or otherwise, whereon to levy the said Taxes or Assessments, then the Lands and Grounds charged with such Taxes and Assessments shall remain a Security for Payment thereof; and the said Commissioners shall, after Default of Payment for One Calendar Month, having first given Fourteen Days Notice in Writing to such Owner or Owners, his, her or their Agent or Agents, or left such Notice at his, her, or their Place or Places of Abode, and

Method of recovering the Assessments where no sufficient Distress can be found.

they are hereby authorized and empowered to enter into and upon, and to have, hold, possess, and enjoy, the said Lands and Premises, or to let the same from Year to Year, at the best Rent that can be got for the same, and to take the Rents and Profits thereof, until the said Taxes and Assessments, and all the Arrears thereof, and all Expences occasioned by the Non-payment thereof, shall be fully satisfied and paid, and the Residue (if any) shall be paid into the Hands of the Treasurer or Clerk of the said Commissioners, and by him paid to the Owner or Owners of such Lands, or his, her, or their Agent or Agents, when demanded, and all Corn, Hay, and other Goods and Chattels which shall at any Time thereafter be found on the said Lands and Grounds shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all such Arrears, Charges, and Expences shall be fully paid and satisfied; and in case the said Taxes or Assessments shall be behind and unpaid by the Space of Three Months next over or after the Time whereon the same ought to be paid as aforesaid, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to mortgage so much and such Part or Parts of the said Lands, Grounds, and Premises, and the Rights of Common, and Common of Pasture therein, for or in respect whereof such Tax or Assessment ought to be paid as aforesaid, for so much Money as shall be sufficient to pay and defray all such Taxes and Assessments, and all Costs, Charges, and Expences that shall have been occasioned by the Non-payment thereof, and also the Costs, Charges, and Expences of such Mortgage, together with lawful Interest for such Money so to be borrowed as aforesaid upon such Mortgage, from the Time or respective Times of the taking up and borrowing the same, and to receive and take the Mortgage Monies for the Purposes intended by this Act; and that the Receipt of the said Commissioners, or of their Treasurer, shall be a sufficient Discharge to the Mortgagee or Mortgagees, for his, her, and their respective Mortgage or Consideration Monies.

Commissioners, after the Drainage is completed, to divide and arrange the Number of Acres of each Proprietor into different Species of Land, and tax the same accordingly.

LVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, as soon as conveniently may be, to cause a true and distinct Survey to be made of all the several Lands and Grounds which the said Commissioners shall judge and determine to be liable to be rated and taxed by virtue and within the Meaning of this Act, by such Person or Persons as the said Commissioners shall appoint; which Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, within the said Low Grounds and Carrs to be benefited thereby, shall be therein specified and described; and such Survey shall be delivered to the said Commissioners within Thirty Days next after the same shall be completed, and shall be verified upon the Oath or Affirmation of the Person or Persons who shall so make the same (which Oath or Affirmation any One of the Justices of the Peace for the said East Riding is hereby empowered and required to administer), and after such Survey shall be so made and delivered, the said Commissioners shall, as soon as the said intended Drainage, and all the Works necessary or proper for that Purpose shall be perfected, divide, arrange, and distinguish the Number of Acres in the said Low Grounds and Carrs into such and so many different Species or Denominations of Land as to the said Commissioners shall seem just and reasonable, and each and every Proprietor's Share and Interest therein, whether consisting of Lands

or

or Rights of Common, according to the Method pursued by the Commissioners in their Award or Arrangement made under or by virtue of an Act passed in the Fourth Year of His present Majesty's Reign, and made for preserving and improving the Low Grounds and Carrs lying in the Parish of *Sutton*, and other Places in *Holderness*, in the said East Riding, or as near thereunto as the Nature of the Case and the different Stipulations and Circumstances will admit; and after such Arrangements shall be made, settled, and adjusted, as aforesaid, the said Commissioners shall, by an Award or Instrument in Writing, to be signed and sealed by them, specifying such Arrangements, tax, charge, and assess the Lands and Rights of Common, and Common of Pasture, of all and every such Proprietor and Proprietors, and Persons interested in the said Low Grounds and Carrs, by the Acre or otherwise, as they shall think most equitable (on Consideration of the said Surveys and Arrangements) with his, her, or their respective Quota or Proportion of the whole Expence attending the said Drainage to that Time; and in case the Quota or Proportion of any such Proprietor so to be taxed and assessed by the said Commissioners as aforesaid, shall exceed what such Proprietor or Person interested as aforesaid shall have been taxed or assessed at and paid, or shall have been raised by Mortgage of his Lands or Rights of Common by virtue or in pursuance of the Powers and Authorities hereby given to the said Commissioners, then such Proprietor and Person interested as aforesaid shall, within Twenty Days after Notice shall be given to him by the said Commissioners, in Writing under their Hands, of such Excess, (by affixing or causing to be affixed such Notice upon the Church Door of the Parish in which he or she shall be so taxed, charged, or assessed, in the Manner the Notice of other Taxes is herein-before directed to be affixed), pay the same Excess to the Treasurer of the said Commissioners for the Time being, (which Notice to the several Proprietors and Persons so taxed, charged, and assessed as aforesaid, shall be deemed sufficient to all Intents and Purposes), and in case of Neglect or Default in Payment of such Excess as aforesaid, the said Commissioners shall and may, and they are hereby authorized and required to recover the same by such and the like Ways and Means as any other Taxes or Assessments are herein-before directed to be recovered, or as near thereunto as the Nature or Circumstances of the Case will admit; and the said Commissioners shall pay and apply, or order to be paid and applied, such Excess when paid or raised as aforesaid, in or towards paying and refunding to such others of the Proprietors and Persons interested as aforesaid in the said Low Grounds and Carrs, such Sum and Sums of Money as they shall have respectively paid, or have had raised upon their respective Estates by or in pursuance of the Methods herein prescribed, over and above what their respective Quotas and Proportions to be taxed and assessed by the said Commissioners as aforesaid shall amount unto; and in case the Monies which shall be raised for and as such Excesses shall not be sufficient to refund the said Proprietors and Persons interested as aforesaid, or any of them, what they shall have overpaid as aforesaid, then such Deficiencies shall be made good to them out of the next Rates and Assessments to be made by virtue of this Act; and to the Award aforesaid shall be annexed a Plan of the said Low Grounds and Carrs, and of every Person's distinct Property therein, with an Account of the improved Value thereof respectively, and the Quota or Proportion of each Proprietor, unto the Time of making thereof, signed by the said Commissioners.

Award containing Arrangements and Taxation to be entered in a Book, and the Original to be lodged among the Records of the Court of Quarter Sessions.

Commissioners Award and Arrangement to be inspected.

Arrangement awarded to be a Rule for future Taxations.

Taxes to be laid for future Repairs.

LIX. And be it further enacted, That the said Award or Instrument in Writing containing the Arrangements and Taxation of the said Low Grounds and Carrs, and the Quota to be borne by the respective Proprietors and Persons interested therein, being ingrossed on Parchment, and signed and sealed as aforesaid, shall be entered by the Clerk to the said Commissioners in the Book or Books of the Orders and Proceedings of the said Commissioners under this Act, and the same Award and Plan, immediately after the Award shall be so entered into the Book or Books of the said Commissioners, shall be lodged for safe Custody among the Records of the Court of Quarter Sessions, with the Clerk of the Peace for the said East Riding, or his Deputy, who shall give to the said Commissioners a Receipt for the same, when they shall be so lodged, which Receipt shall be preserved by the said Clerk to the said Commissioners, and shall be also copied into the said Commissioners Book or Books, and so much of the said Award and Plan as shall relate to each of the separate and distinct Parishes mentioned in this Act, shall be copied or ingrossed upon Parchment, and be signed and sealed by the said Commissioners, and be severally lodged for safe Custody with the respective Ministers of the said several Parishes respectively, which said several Copies or Ingrossments, under the Hands and Seals of the said Commissioners, shall, so far as shall relate to each such Parish respectively, be allowed as Evidence in all Courts of Law and Equity; and the said Clerk to the said Commissioners, and the said Clerk of the Peace and his Deputy, and the several Ministers of the said several Parishes, shall permit and suffer any Person whomsoever, from Time to Time, and at all reasonable Times, to peruse and inspect the said several Ingrossments and Books of the said Commissioners, paying for every such Perusal and Inspection One Shilling, and no more; and the said Award of the said Commissioners shall be a Rule and Precedent of Proportion for all future Taxations to be made and raised pursuant to this Act; and a true Copy of which Award, or any Part thereof, under the Hand of the said Clerk of the Peace, or Deputy Clerk of the Peace, or of any of the said Ministers, shall be allowed as Evidence in all Courts of Law and Equity.

LX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required from Time to Time annually or otherwise, after such Arrangement shall be made, and such Money shall be raised as herein-before directed, further to tax, charge, and assess, all and every the Proprietor and Proprietors, and Persons interested in all and every the said Low Grounds and Carrs proportionably according to the said Arrangements, with such further Sum and Sums of Money as the said Commissioners shall from Time to Time think necessary for defraying the Charges and Expences of maintaining and repairing the Works of Drainage which shall be then made, or of making and repairing such other new Works as shall from Time to Time be found necessary or expedient for the better draining and keeping dry the said Low Grounds and Carrs, and for Payment of Salaries to Officers, and all other Charges and Expences incident unto or attending the said intended Drainage; and if any of the said Proprietors or Persons interested, shall refuse or neglect to pay such Tax for the Space of Twenty-one Days next after Notice thereof upon One of the outer Doors of the Church of the Parish where the Low Grounds and Carrs in respect whereof, or of the Common Right wherein, the Tax shall be laid, then and in every such Case it shall and may be lawful for the said Commissioners to cause the same to be recovered,

recovered, and for the Proprietors of and Persons interested in the said Low Grounds and Carrs to raise the same by such and the like Ways and Means, as they are hereby respectively empowered to recover and raise any of the Taxes or Assessments before mentioned.

LXI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to levy or recover from the said *Richard Savage Lloyd*, or from his Estates in the Parishes, Lordships, Townships, Hamlets, Precincts, and Territories, affected by this Act, or from his Successor or Successors, his Tenant or Tenants therein, until the Expiration of Two Years after the Death of the said *Richard Savage Lloyd*, any Sum or Sums of Money which the said Commissioners are hereby empowered to raise for the Purposes of this Act, further than to the Amount of such Sum or Sums as shall be deemed by the said Commissioners, or by the Arbitrators or Umpire herein-after in that Behalf mentioned, an Equivalent for the annual improved Value of the Carrs and Low Grounds belonging to the said *Richard Savage Lloyd*, in the Districts aforesaid, over and above the Amount of the present Annual Value of the said Carrs and Low Grounds: Provided always, that the Rates, Taxes, Charges, and Assessments, imposed upon the said *Richard Savage Lloyd*, his Estates or Tenants, by virtue of this Act, and which shall not be paid until Two Years after the Death of the said *Richard Savage Lloyd*, shall be paid from and immediately after the Expiration of the said Two Years, by the Person or Persons succeeding to the said Carrs and Low Grounds, with Interest for the same, at and after the Rate of Five Pounds *per Centum per Annum*, during the present War, and Four Pounds *per Centum per Annum* from and after that Time, such Interest to be calculated from the Times at which the same respective principal Sums would have become regularly due, in case the Proviso last herein-before contained had not been herein inserted until the same shall be actually paid in Terms of this Proviso: And it is further provided, that the said last-mentioned Sums, with Interest thereon, to be computed as aforesaid, shall be charged and chargeable upon the Estates of the said *Richard Savage Lloyd*, within the Districts aforesaid, and shall and may, after the Expiration of the same Two Years, be levied and recovered in like Manner, and with and under the same Powers as the other Rates, Taxes, Charges, or Assessments, may be levied and recovered: And it is further provided, any Thing herein contained to the contrary notwithstanding, that in case the Rent or Income of the said *Richard Savage Lloyd*, arising from his Estates in the Districts aforesaid, shall be in any way diminished in Value by Means of the said Drainage, that such Diminution in Value shall be deducted from the improved Annual Value of the Carrs and Low Grounds of the said *Richard Savage Lloyd* herein-before mentioned; and that the Successor or Successors of the said *Richard Savage Lloyd*, to the Estates aforesaid, shall not be liable to pay, nor shall the said Estates be charged or chargeable with a larger Sum of Money for the Rates, Taxes, Charges, and Assessments aforesaid, than the Net Sum arising from the improved Value of the said Carrs and Low Grounds, deducting therefrom the Diminution in Value of the other Part of the said Estates, until Two Years next after the Decease of the said *Richard Savage Lloyd*: Provided always, that in case the said *Richard Savage Lloyd*, or his Successor or Successors in the said Estates during the Time aforesaid, shall not be satisfied with the Equivalent which may be fixed by the said Commissioners

*Mr. Lloyd to be liable to pay no more than the improved Annual Value of his Estates during his Life.*

as the improved Annual Value of the said Carrs or Low Grounds; or in case the said *Richard Savage Lloyd*, or his Successor or Successors as aforesaid, for and during the Time aforesaid, shall not be satisfied with the Judgement of the said Commissioners in respect of the diminished Value of the said other Part of the said Estates; that then and in such Case it shall and may be lawful to and for the said *Richard Savage Lloyd*, and his Successor or Successors in the Estates aforesaid, during the Time aforesaid, within Thirty-one Days next after he, she, or they shall have Notice thereof respectively, to dissent from the same; and in case of such Dissent and Notice thereof in Writing, by him or them given to the said Commissioners, or their Clerk, within the Time last aforesaid, it is hereby enacted, and be it enacted by the Authority aforesaid, That, in order finally to determine the increased Value of the said Carrs and Low Grounds; and the diminished Value of the other Part of the said Estates, the said Commissioners shall, within Twenty Days next after the Day on which such Notice as last aforesaid shall be given to the said Commissioners, or their Clerk, name One Person, and the said *Richard Savage Lloyd*, or his Successor or Successors, another Person, to decide the same, with Power to the said Persons so named, within Ten Days next after the Day on which the last of their Appointments shall be made as aforesaid, by Writing under their Hands, to appoint an Umpire to decide the same, in case they should disagree; and that the Decision in Writing of the said Arbitrators, made within Twenty Days next after the Day on which the last of their Appointments shall be made, or of their Umpire, made within Ten Days next after the Day on which his Appointment shall be made, shall be final and binding upon all the Parties.

Assessments  
for *Swinemoor*  
how to  
be recovered,

LXII. And whereas Difficulties might arise in collecting the Taxes and Assessments which ought to be paid by the Free Men or Free Burgessees of *Beverley*, and others who have a Right to stock with Cattle a certain Pasture called *Swinemoor*, lying within the said Low Grounds; be it therefore enacted, That the Corporation, or Mayor, Aldermen, and Burgessees of *Beverley* aforesaid, for the Time being, shall be charged and chargeable with, and shall pay unto the said Commissioners, their Collector, Receiver, or Treasurer, all such Taxes, Assessments, and Sum and Sums of Money, as the said Commissioners shall from Time to Time lay and charge upon, or for or in respect of the said Pasture called *Swinemoor*; and that the said Mayor, Aldermen, and the capital Burgessees of *Beverley* aforesaid, for the Time being, or the major Part of such of them as shall be assembled at some corporate Meeting in order to reimburse themselves all such Taxes, Assessments, Sum and Sums of Money, which they shall have so paid, shall and may, from Time to Time, charge every Person who shall stock *Swinemoor* with Cattle; and every Person who shall have a Right so to stock the same shall, before he shall so stock the same, pay unto the said Mayor, Aldermen, and Burgessees, and their Successors, for the Time being, such Sum and Sums of Money as they the said Mayor, Aldermen, and capital Burgessees, and their Successors, for the Time being, or the major Part of such of them as shall be so assembled as aforesaid, shall think necessary to pay and defray the Interest of the Sum and Sums of Money which they shall have paid to the said Commissioners, their Collector, Receiver, or Treasurer, at the Rate of Five Pounds *per Centum per Annum*, and also to pay and discharge Ten Pounds *per Centum per Annum* of the Principal Money, together with all the Costs, Charges, and Expences attending

attending the Receipt and Payment thereof; and in case any Person or Persons shall turn or put any Horse, Beast, Sheep, or any other Commonable Cattle, into or upon the said Pasture called *Swinemoor*, before he, she, or they shall have paid such Sum or Sums of Money, as the said Mayor, Aldermen, and capital Burgeſſes, or their Successors, for the Time being, or such major Part as aforesaid, shall so charge to be paid as aforesaid, it shall and may be lawful to and for the Neatherd, or any other Person or Persons, to make Complaint thereof, upon Oath, to the Mayor of *Beverley* aforesaid for the Time being, or his Deputy, who is hereby authorized and required to administer such Oath, and to hear and determine the Matter of every such Complaint in a summary Way, and for that Purpose to summon the Party or Parties accused, and the Witnesses on both Sides to appear before him; and upon Appearance of the Party or Parties accused, or upon his, her, or their Neglect or Refusal to appear, to examine any Witness or Witnesses upon Oath, (which Oath he is hereby empowered to administer), and thereupon to give Judgement accordingly, and condemn the Party or Parties accused in such Penalty or Penalties, Sum or Sums of Money, from Time to Time, (not exceeding, at any One Time, the Sum of Forty Shillings), as he the said Mayor, or Deputy Mayor, for the Time being, shall think just and reasonable, and thereupon to issue a Warrant, under his Hand and Seal, to cause not only such Penalty or Penalties, but also the Sum or Sums of Money which the Offender or Offenders ought to have paid to the said Mayor, Aldermen, and capital Burgeſſes, for the Time being, before he, she, or they had turned, or put his, her, or their Horse, Beast, Sheep, or any other Commonable Cattle, into or upon the said Pasture called *Swinemoor*, to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, together with reasonable Costs, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels.

LXIII. And be it further enacted, That the Owner or Owners, Occupier or Occupiers of any of the Lands and Grounds so intended to be drained as aforesaid, shall make, and at all Times hereafter keep, all the leading Out-riug and Division Drains or Dikes and Ditches now belonging to their said Lands respectively, and which shall be ordered or directed to be made by the said Commissioners, of such Width and Depth as the said Commissioners shall from Time to Time direct; and also from Time to Time, and at all Times hereafter, cause the same Dikes, Drains, or Ditches to be well and effectually reeded, scoured, and cleaned from Weeds and other Obstructions, and cause Tunnels to be laid therein, and also Stocks or Inlets to be placed in and through the Banks directed to be raised, where the same shall be needful, and in such Manner as the said Commissioners shall direct, for the better issuing, running, and conveying away of the Waters therein; and if any such Owner or Occupier shall refuse or neglect to make or keep such his or her Dikes, Drains, or Ditches of such Dimensions as shall from Time to Time be directed by the said Commissioners, or to reed, scour, or cleanse the same from Weeds or other Obstructions, after Fourteen Days Notice to him or her given, or left at his or her last or usual Place of Abode, in Writing, under the Hands of the said Commissioners, then it shall and may be lawful for the said Commissioners to cause the same to be done in a proper and effectual Manner, and by Warrant under their Hands and Seals to authorize and empower their Collector or Collectors, or any other Person or Persons, to levy the Money

Drains to be kept of such Dimensions as Commissioners shall direct.

expended in doing thereof, by Distress and Sale of such Goods and Chattels as shall then, or at any Time thereafter, be found on the Lands and Grounds to which such Drains, Dikes, Tunnels, or Ditches shall belong, (over and above the other Rates and Taxes chargeable or to be charged upon the same Grounds and Premises by virtue of this Act), rendering the Overplus (if any) after all Charges paid, to such Owner or Owners, Occupier or Occupiers respectively, when demanded; and in case the said Commissioners shall refuse or neglect to cause any such Dikes, Drains, or Ditches, to be made or kept of such Dimensions aforesaid, or in case any Person or Persons, by whom any private Ways, Hedges, Fences, Gates, Stiles, Bridges, Arches, Causeways, Sluices, Cloughs, Banks, Engines, or other Works shall be ordered or directed by the said Commissioners to be maintained, cleaned, and kept in Repair, or his, her, or their Tenant or Tenants shall neglect or refuse to maintain, cleanse, and keep in Repair the same, or any Part thereof, for the Space of Fourteen Days after Notice given of any Default therein, then and in every such Case it shall be lawful for the Person or Persons who shall be damaged or aggrieved thereby, to make Complaint thereof upon Oath to any Two or more of His Majesty's Justices of the Peace for the East Riding of the County of York, (not interested in the Matter in Question), who are, or the One of them is, hereby authorized and required to administer such Oath, and to hear and determine the Matter of every such Complaint in a summary Way, and for that Purpose to summon the Party or Parties accused, and the Witnesses on both Sides, to appear before them, and upon Appearance of the Party or Parties accused, or upon his, her, or their Refusal or Neglect to appear, to examine Witnesses upon Oath, (which Oath every such Justice is hereby empowered to administer), and thereupon to give Judgement accordingly, and condemn the Party or Parties accused in such Penalty or Penalties, Sum or Sums of Money from Time to Time, (not exceeding at any one Time the Sum of Five Pounds), as they the said Justices shall think just and reasonable, and thereupon to issue a Warrant under their Hands and Seals to cause such Penalty or Penalties, Sum or Sums of Money, to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, together with reasonable Costs, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels; which Penalty or Penalties, Sum or Sums of Money, when so recovered, shall be paid to the Person or Persons so damaged or aggrieved as aforesaid.

Commissioners may remove Obstructions.

LXIV. And be it further enacted, That the said Commissioners shall have full Power, and they are hereby authorized to remove, or cause to be removed, all Impediments, Annoyances, and Obstructions whatsoever, from Time to Time, in or near the said Cuts, Drains, and other Works, or which shall damage or prejudice the same.

Penalty on Persons neglecting to remove any Obstructions occasioned by themselves.

LXV. And be it also enacted, That in case the Person or Persons who shall occasion any Impediment, Annoyance, or Obstruction to such Cuts, Drains, and other Works, as aforesaid, shall refuse or neglect to remove the same in such Manner as the said Commissioners, or their Agents, Officers, or Workmen, shall require, for the Space of Four Days after Notice in Writing given for that Purpose, every such Person or Persons so neglecting or offending, on Conviction before any Two Justices of the Peace for the said East Riding, by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit



forfeit and pay such Sum of Money as the said Justices shall think fit, not exceeding the Sum of Twenty Pounds, (One Half thereof to the Informer, and the other Half to the Poor of the Parish where the Offence shall be committed), to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and for Want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hands and Seals of such Justices, be committed to the Common Gaol or House of Correction, for any Time not exceeding Three Calendar Months, or until such Penalty shall be paid.

LXVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to remove and take to their own Use, or to cause to be removed and taken to their Use, all Fishing Nets and Wares, and other Impediments and Annoyances which shall or may be found, made, laid, or set, in any of the Drains, Sluices, Cuts, Sewers, Cloughs, or Watercourses, made or to be made in any of the said Low Grounds or Carrs; and that all and every Person or Persons who shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise damage or destroy any Bank, Mill, Engine, Floodgate, Clough, or Sluice, or other Work or Works erected or made, or to be erected or made, or which shall at any Time hereafter be making or erecting for the draining, preserving, securing, or improving, the said Low Grounds or Carrs, or any Part thereof, and shall thereof be lawfully convicted, shall be deemed guilty of a Misdemeanor, and shall be subject and liable to the like Pains, Penalty, and Punishment, as Persons guilty of any Misdemeanor are by Law now subject and liable; and the Courts by and before whom such Person or Persons shall be tried, shall have full Power and Authority to convict and punish him and them accordingly.

Fishing Nets to be taken away, and Persons annoying or destroying any Bank, Mill, Engine, Flood Gate, Clough, &c. how to be punished.

LXVII. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully or designedly destroy, stop, dam up, spoil, or damage, any Drain, Watercourse, Door, Dam, Bridge, or other Work or Works already made or erected, or which shall at any Time hereafter be making or erecting, or made or erected, for answering any of the Purposes aforesaid, all and every Person and Persons so offending, and being thereof convicted before Two or more Justices of the Peace for the said East Riding, not interested in the said Low Grounds or Carrs, (who are hereby authorized and required to hear and determine the same, on the Oath of One or more credible Witnesses or Witnesses, or on the Confession of the Party offending), shall forfeit and pay for every such Offence, such Sum or Sums of Money, in Proportion to the Damage which may have been done, as the said Justices shall order and direct, to the said Commissioners, to be applied for the Purposes of this Act, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle, of all and every such Offender or Offenders, by Warrant under the Hands and Seals of any Two or more of the said Justices of the Peace before whom such Conviction shall be made, and in Default of such Distress or Payment, the Person or Persons so offending shall by the said Justices be committed to the House of Correction for the said Riding, there to be kept to Hard Labour for such Time as the said Justices shall order and direct.

Persons damaging Drains, Dams, Bridges, &c. how to be punished.

Authorizing the Commissioners towards accomplishing the Drainage, to lay out a certain Sum of Money in removing Obstructions in the River Hull.

LXVIII. And whereas it is advisable for the more effectually accomplishing the said intended Drainage, to remove certain Obstructions to the Passage of the Water in the River *Hull*, between *Burton Hall* and *Hull North Bridge*, be it therefore enacted, That the said Commissioners shall and may, within Seven Years next after the passing of this Act, out of the Monies which shall be raised from or in respect of the Low Grounds and Carrs, which by virtue hereof shall be drained into the said River *Hull*, lay out and expend in removing such Obstructions, the Sum of Eighteen hundred Pounds; and in order the better to enable them so to do, that the Mayor and Burgeses of the Town of *Kingston upon Hull* aforesaid, shall pay unto the said Commissioners, at such Time, and in such rateable Proportion with the Sum to be advanced by the Proprietors of the said Low Grounds and Carrs, as they the said Commissioners shall direct and appoint, the Sum of Two hundred Pounds; and that the Guild or Brotherhood of Masters and Pilots Seamen of the Trinity House of *Kingston upon Hull* aforesaid, shall likewise pay unto the said Commissioners, at the like Times, and in like Proportions, the like Sum of Two hundred Pounds; and that the Dock Company at *Kingston upon Hull*, shall also pay unto the said Commissioners, at the like Times, and in like Proportions, the like Sum of Two hundred Pounds.

Account of Money expended in removing Obstructions in the River Hull to be kept separate.

LXIX. And, in order that the Three Corporations last mentioned may know exactly the Sums of Money which shall have been expended in removing the said Obstructions, be it further enacted, That the Account of the said Sum of One thousand eight hundred Pounds so expended, shall be kept separate and distinct from their other Accounts by the said Commissioners, and that such Accounts shall from Time to Time, and at all reasonable Times, be open to the Inspection of the said Corporations, or any of them, or of any Person or Persons to be appointed by them, or any of them.

Arbitrators and Umpire to determine whether the removing of the Obstructions in the River will, or will not, injure the Navigation; and if Injury be done, shall direct what further shall be done to preserve the Navigation in as good a State as it is at present.

LXX. Provided always, and be it further enacted, That in case the Removal of the said Obstructions shall, at any Time or Times, in the Judgment of the Mayor, Aldermen, and Capital Burgeses of *Beverley*, in Common Council assembled, be or be likely to be injurious to the Navigation of the River *Hull*, and they shall make Complaint thereof, in Writing, under their Common Seal, to the Commissioners for the said intended Drainage, or to the Clerk of the said Commissioners, then and in such Case, within Twenty Days next after making and delivering such Complaint, the said Commissioners shall, by Writing under their Hands, appoint One Engineer as an Arbitrator, and the said Mayor, Aldermen, and Capital Burgeses, shall, by Writing under their Common Seal, appoint one other Engineer as an Arbitrator, and within Fourteen Days next after such Appointments shall be made, the same Arbitrators shall appoint an Umpire; and within Twenty Days next after such Appointments last mentioned, the said Arbitrators and Umpire shall meet together, and enquire into, hear, and determine, the Matter of the said Complaint; (that is to say), whether the Removal of the said Obstructions shall, upon due Consideration of the whole Matter, have done, or be likely to do Injury to the said Navigation, and shall draw up and execute an Award, in Writing, under their Hands accordingly; and in case they shall, upon such Enquiry as aforesaid, determine that the Removal of the said Obstructions shall, upon the whole Matter, have done, or be likely to do Injury to the said Navigation,

vigation, that then and in such Case the said Arbitrators and Umpire shall, in and by the said Award, also determine what other Works will, in their Judgement, be necessary to be done to preserve the Navigation of the said River, upon the Whole, in as good a State as it is at present; and then and in such Case the Commissioners of the said intended Drainage shall, out of the Monies to be raised by virtue of this Act, cause such Works to be done accordingly.

LXXI. And be it further enacted, That it shall be lawful for any of the Owners of the Lands and Grounds hereby directed to be drained, being Tenants in Tail or Tenants for Life, and also for the Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies of, or any Person or Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as shall be under Coverture, Minors, Ideots, Lunaticks, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively, for the Time being, from Time to Time, by Writing under their Hands and Seals, with the Consent and Approbation of the said Commissioners, testified by Writing under their Hands and Seals, to charge such Part and Parts of the said Low Grounds and Carrs, and Rights of Common and Common of Pasture, as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall be by him, her, or them respectively paid to the said Commissioners, and with Interest for the same from the Time, or respective Times, of Payment thereof; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Low Grounds and Carrs, and Rights of Common and Common of Pasture, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same respectively for any Term or Number of Years, so as every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money thereby to be secured, with Interest thereof, shall be fully paid and satisfied, and so as every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, so to be made by any Tenant for Life or in Tail, Husband, Guardian, Trustee, Feoffee, Governor, Committee, or Attorney, shall contain a Proviso that the Person or Persons, entitled to the Remainder or Reversion of the Lands so to be mortgaged shall not, nor shall any Person or Persons be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest, than for One Year preceding the Time that the Title to such Possession shall have commenced; and then and from thenceforth every Grant, Charge, Mortgage, Lease, Surrender, or Demise, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants in Tail, or Tenants for Life, Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, or in the said Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies; any Settlement, Will, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or former Incumbrances of or concerning the same Lands and Grounds, or any Part or Parts thereof, then in being, or capable of taking Effect, to the contrary thereof in anywise notwithstanding.

For borrow-  
ing Money.

LXXII. And

Rector, &c.  
empowered to  
borrow Mo-  
ney.

LXXII. And be it further enacted, That it shall be lawful for any of the Rectors or Vicars, perpetual Curates, or other Incumbents of any Parish or Parishes in which there shall be Lands and Grounds hereby directed to be drained, belonging to such Rectors, Vicars, perpetual Curates, or other Incumbents, in Right of their Benefices, and to the Sequestrators of such Benefices as may be under Sequestration, and every of them respectively, for the Time being, from Time to Time, by Writing, under their Hands and Seals, to charge such Part and Parts of the said Low Grounds and Carrs, and Rights of Common, and Common of Pasture, as he or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall be by him or them respectively paid to the said Commissioners, and with Interest for the same, from the Time or respective Times of the Payment thereof; and for securing the Re-payment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Low Grounds and Carrs, and Rights of Common, and Common of Pasture, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years, so as every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money thereby to be secured, with Interest thereof, shall be fully paid and satisfied, and so as every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, so to be made by any Rector, Vicar, perpetual Curate, other Incumbent or Sequestrator, shall contain a Proviso that the Person or Persons who shall succeed to the Incumbency of Benefices so charged, or become entitled thereto, upon his or their becoming possessed thereof, shall not be liable to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and provided always, that the whole Sum so to be charged as aforesaid, upon the aforesaid Low Grounds, Carrs, Rights of Common, and Common of Pasture, be fully paid and satisfied, within the Term of Fifteen Years from the borrowing of the said Sum or Sums, by even and equal Portions thereof, over and above the Interest thereof, being paid yearly and every Year, by the Rector, Vicar, perpetual Curate, or other Incumbent of the said Benefices respectively, or Sequestrator of the same for the Time being, for and during the Continuance of the said Term of Fifteen Years, and until the Whole of the Sums to be raised as aforesaid, together with the Interest of the same, be paid and satisfied.

Crown Lands  
how to be  
charged.

LXXIII. Provided always, and be it enacted, That when any Tax or Assessment shall be laid in pursuance of this Act, for or in respect of any of the said Low Grounds or Carrs, or any Rights of Common or Common of Pasture, therein belonging to His Majesty, His Heirs or Successors, the same shall be paid by the Lessee or Lessees holding such Lands under His Majesty, His Heirs or Successors, but that the Portion or Share of such Tax or Assessment which ought to be paid by such Lessee or Lessees, and the Portion or Share thereof which ought to be paid or borne by His Majesty, His Heirs or Successors, shall be adjusted, settled, and determined by Two indifferent Persons, One to be named by the Surveyor General of His Majesty's Land Revenue on the Part and Behalf of His Majesty, His Heirs or Successors, and the other by such Lessee or Lessees; and in case such Arbitrators so to be named shall

shall happen to disagree touching the Premises, that then the same shall be adjusted, settled, and determined by an Umpire by such Two indifferent Persons to be chosen, whose Determination respectively shall be binding and conclusive between the Parties; and from and after such Determination, and Payment so to be made as aforesaid, the same Low Grounds and Carrs, and Rights of Common and Common of Pasture, shall be charged and chargeable with the Payment of all and every such Sum and Sums of Money as shall have been so paid as aforesaid, as and for the Portion and Share of such Tax or Assessment, as ought to be paid or borne by His Majesty, His Heirs or Successors, as aforesaid, together with Interest for the same, from the Time or Times of Payment of the same; and for securing the Repayment of such Sum and Sums of Money so paid by such Lessee or Lessees as and for the Portion or Share of His Majesty, His Heirs or Successors, as aforesaid, with Interest for the same, it shall and may be lawful to and for such Lessee and Lessees to grant, charge, mortgage, lease, and demise, or otherwise subject the said Low Grounds and Carrs, and Rights of Common and Common of Pasture, unto such Person or Persons as shall advance and lend the same for any Term or Number of Years, with such Proviso or Condition for making void or surrendering the same when such Sum or Sums of Money thereby to be secured, with Interest for the same, shall be fully paid and satisfied, and with Proviso that His Majesty, His Heirs or Successors, shall not be liable to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced, in such and the like Manner, and as effectually to all Intents and Purposes, as may be done by Tenants in Tail or Tenants for Life by virtue of this Act.

LXXIV. And be it further enacted, That Once in every Year Inspection shall be had by the said Commissioners of the Receipts and Disbursements of such Money as shall be collected, received, or disbursed, by virtue of this Act, to the Thirty-first Day of *May* then last past, and all Accounts relating to the same shall then, or within Ten Days after, be adjusted and made up by the said Commissioners then assembled as aforesaid, at which Time the Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, of the said Rates and Sums of Money to be raised as aforesaid, and the Surveyor and Surveyors is and are hereby required to attend with their separate and distinct Books of Account of the Receipts and Disbursements above mentioned, and with all Vouchers for the same, and upon Consideration and Examination thereof upon Oath, if it should be thought necessary or expedient by the said Commissioners, to be administered by One of His Majesty's Justices of the Peace for the said East Riding (which Oath any One of the said Justices is hereby empowered and required to administer), the said Commissioners are hereby required to allow and pass the said Accounts of such Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, or such Part or Parts thereof as to them shall appear just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so allowed by the said Commissioners under their Hands, and all other Accounts relating to the Execution of this Act, shall be fairly entered in Two or more several Sets of Books to be kept for those Purposes, One Set whereof shall remain in the Custody of the said Commissioners, and the other in the Custody of the Person or Persons accounting; and

Accounts to  
be made up  
yearly.

the said Books shall and may be inspected and perused, at any Time at reasonable Hours, by and at the reasonable Request of any of the Persons rated or taxed in pursuance of this Act, paying for such Inspection and Perusal the Sum of Two Shillings, and not exceeding the Space of Two Hours at any One Time.

Proceedings  
to be entered  
in Books.

LXXV. Provided always, and it is hereby enacted and declared, That all Orders and Proceedings of the said Commissioners, or any of them, at their Meetings, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioners assembled at such Meetings, and being so signed shall be deemed and taken to be Originals, and all such Books shall and may be read in Evidence in all Suits or Actions concerning any Thing done in relation to or in pursuance of this Act.

Water Mills  
and Mill  
Streams not  
to be injured.

LXXVI. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Commissioners to injure or prejudice any of the Water Mills in or near unto the River *Hull*, or any Canal, Beck, Brook, or Stream, falling into or out of the same, but that the Owners and Occupiers of the said Mills shall and may at all Times hereafter have and enjoy all and every the Streams which supply the said Mills with Water, and the Outlets from the same, in as ample and beneficial a Manner as the present Owners and Occupiers thereof respectively now enjoy, or are entitled to enjoy, the same respectively.

Election of  
New Commis-  
sioners on  
Death, or Re-  
fusal to act.

LXXVII. And be it further enacted, That as often as any Commissioner appointed or to be appointed in pursuance of this Act, shall die, become incapacitated, or refuse to act, or shall be directly or indirectly benefited by, or interested in, any Contract which shall be made with any Person or Persons by the said Commissioners, it shall and may be lawful for the several Proprietors of the said Low Grounds or Carrs, or the major Part of them, assembled at some Publick Meeting to be held at *Beverley* in the County of *York*, of which Ten Days previous Notice shall be given by the said Commissioners, in One of the *York* and One of the *Hull* Newspapers, within Three Calendar Months next after such Death, Incapacity, or Refusal, or Benefit or Interest in such Contract as aforesaid respectively shall happen and be known, or as soon after as conveniently may be, to elect One other Person to be a Commissioner in the Stead of each such Commissioner so dying, becoming incapable of acting, or refusing to act, or being benefited or interested in such Contract as aforesaid; and every Commissioner so elected shall have the like Power and Authority to act in the Execution of this Act, as the Commissioner in whose Stead he shall be elected was invested with, and so *toties quoties*.

Commis-  
sion-  
ers may make  
Exchanges,  
with Consent  
of Proprietors.

LXXVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to make Exchanges of any Lands or Grounds which shall be separated by any Cut or Drain, to be made for the Purposes of this Act, so as the same be so made with the Consent of the respective Proprietors thereof, in Writing under their respective Hands and Seals, and so as the Lands or Grounds to be so taken in Exchange do enture to such and the like Uses, and be subject to such and the like Trusts, Rents, Payments, Conditions, and Charges, as the Lands or Grounds for which the same shall be so taken

in Exchange shall be limited, subject, or liable, at or immediately before the Time of making such Exchange respectively; and every such Exchange, so to be made as aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, notwithstanding any legal or natural Incapacity of such Proprietors so exchanging respectively: Provided always, that any Exchange so to be made of any Lands or Grounds held under the Archbishop of *York* as Lessor, be so made by and with the Consent and Approbation of the said Archbishop.

LXXIX. And, in order that the Banks, Engines, and Works, which shall be made, erected, or used, for the Purposes of this Act, may the better answer the Purposes for which they may be intended, be it further enacted, That no Trees shall be planted or suffered to grow upon any of the Banks, or near to any Mill or Engine which may be erected or employed for the Purposes of this Act; and if any Trees shall be so planted or suffered to grow upon the Banks or near to any Mill or Engine so erected or employed for the Purposes of this Act, it shall and may be lawful for the said Commissioners to cause such Trees to be taken up and carried away.

No Trees to be planted on or near the Banks.

LXXX. And be it further enacted, That the said Commissioners shall, out of the Monies to be raised by virtue of this Act, make such Allowances from Time to Time for the catching and destroying of Moles, Rats, and Vermin, in the Banks of the River *Hull*, and of the main Drain, Becks, and Mill Streams, as they the said Commissioners shall think proper.

Moles and Vermin in the Banks to be destroyed.

LXXXI. And be it further enacted, That it shall not be lawful for any Person or Persons to plow any of the Banks of the River *Hull*, lying within the Lands and Grounds hereby intended to be drained.

Banks not to be plowed.

LXXXII. And be it further enacted, That the said Commissioners shall and may from Time to Time have full Power and Authority to make Bye Laws, under their Hands, touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, and other Works, made or set up, or to be made or set up as aforesaid, and for the preserving, repairing, and keeping the same in Order, so as the same shall not be repugnant to the Law of the Land, and to impose such reasonable Fines or Forfeitures on the Breakers of such Bye Laws as the said Commissioners shall think fit, such Fines or Forfeitures to be levied by such Ways and Means as the said Commissioners shall direct, (the same Bye Laws being first ratified and confirmed by the Majority of the Proprietors who shall be assembled at any public Meeting of Proprietors to be held at *Beverley* aforesaid, of which Thirty Days previous Notice shall be given in One of the *York* and One of the *Hull* Newspapers, which shall be usually circulated in the said East Riding), and (with the Approbation and Consent of the Majority of such Proprietors who shall be assembled at any Meeting of Proprietors to be held at *Beverley* aforesaid, of which the like Notice shall be given) to repeal or alter all or any of the said Bye Laws from Time to Time as they shall see necessary or convenient; which said Bye Laws, being reduced into Writing under the Hands of the said Commissioners, and being ratified and confirmed as aforesaid, shall, so long as they shall continue unrepealed or unaltered, be binding upon and be observed by all Parties whom they may concern, and shall be sufficient in any Court of Law or Equity to justify

Bye Laws to be made.

justify all Persons who shall act under the same, in levying any Penalty or Forfeiture thereby incurred; but any Person or Persons who shall think himself, herself, or themselves, aggrieved by any Order or Judgement made or given by or in pursuance of any such Bye Law, may, within Three Months next after such Order or Judgement shall be made or given, complain to the Justices of the Peace assembled at the General Quarter Sessions of the Peace, to be held in and for the said East Riding, who shall in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or adjourn the Hearing and Determination thereof to the then next General Quarter Sessions of the Peace to be held for the said Riding, and if they shall see Cause, may mitigate such Forfeitures, and may order any Money to be returned, which shall have been levied in pursuance of such Bye Law, and may also order such further Satisfaction to be made to the Party injured, or such Costs to be paid to the Party against whom such Complaint shall be made, in case they shall determine the same to be frivolous, or made without just Cause, as they shall judge reasonable; but no Justice of Peace shall act or vote in the hearing or determining of any such Complaint, who shall be a Proprietor of or interested in the said Low Grounds and Carrs, or any of them.

Bye Laws  
how to be  
published.

LXXXIII. Provided always, and be it further enacted, That a Copy of every Bye Law by which any Fine or Forfeiture shall be imposed, shall be published, by affixing such Copy on the outer Door of the several Parish Churches aforesaid, or such of them as the said Commissioners shall think proper.

Bye Laws, &c.  
to be entered  
in a Book,  
which shall be  
Evidence.

LXXXIV. And be it further enacted, That all Bye Laws, Orders, Constitutions, and Proceedings, of the said Commissioners in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose, and such Bye Laws, Orders, Constitutions, and Proceedings, when entered, shall be signed by the said Commissioners; and the Clerk attending the said Commissioners, or some other Person, is hereby required to set his Name or Character as a Witness thereto, and the said Bye Laws, Orders, Constitutions, and Proceedings, so signed and attested, shall be deemed and taken to be the original Bye Laws, Orders, Constitutions, and Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings touching any Thing done in pursuance of this Act, and which Book or Books shall and may be seen and perused at all reasonable Times, and Copies thereof, or of any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk Sixpence for every One hundred Words.

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXXXV. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices of the Peace, nor any Bye Law, Order, Constitution, or other Proceeding, to be made or had by or before the said Commissioners by virtue of the Powers granted by this Act, shall be quashed or vacated for Want of Form only.

Penalties, how  
to be reco-  
vered.

LXXXVI. And be it further enacted, That all Fines, Forfeitures, and Penalties inflicted or incurred by this Act, or to be inflicted or incurred by virtue thereof, the Recovery whereof is not hereby otherwise directed, shall be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, (by Warrant or Warrants under the  
Hands



Hands and Seals of the Justices of the Peace for the County, Riding, Town Corporate, Liberty, or Place, by or before whom such Offender or Offenders shall be convicted, and which they are hereby empowered and required, on Conviction, to make, and to direct the same to the Constables, or to the Serjeants at Mace, or other proper Officer of the Parish, Town, or Place where such Warrants are respectively to be executed, and which Warrants the Constables and Serjeants at Mace and Officers aforesaid, are hereby respectively required to execute), together with the Charges of such Distress and Sale, rendering the Overplus (if any be) after Demand made, in Writing, to the respective Owners thereof; and for Want of sufficient Distress the said Justices are hereby empowered and required to commit the Person or Persons so convicted as aforesaid to the Common Gaol or House of Correction of the County, Riding, or Town Corporate, where the Offenders shall be respectively convicted as aforesaid, there to remain for a Term not exceeding the Space of Three Months, or until Payment shall be made of the Fines, Forfeitures, and Penalties, or so much thereof as for the Non-payment of which such Commitment shall be made.

LXXXVII. And be it further enacted, That all Fines, Forfeitures, and Penalties, imposed or inflicted by this Act, or to be imposed or inflicted by virtue thereof, the Application whereof is not hereby otherwise directed, shall be paid into the Hands of the Treasurer or Treasurers to be appointed pursuant to this Act, and shall be applied and disposed of for the Use and Purposes of the said Drainage, and to and for no other Use, Intent, or Purpose whatsoever.

Forfeitures to be applied to the Use of the Drainage.

LXXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to hinder or prevent the Lord or Lords of any Manor or Manors, or other Owner or Proprietor, Owners or Proprietors of Lands, within any of the Parishes, Townships, or Places aforesaid, from making, or causing or directing to be made any navigable Canals, or any Drains, or Ditches, Locks, Staunches, Dams, Sluices, Engines, or other Works, at their own Expence; nor from making any Aqueduct, Trunk, Trough, or Convenience for conveying the Water, for the Purposes of such Navigation, across, in, or along, the main Drain, or any other Drain which is now made, or which shall hereafter be made by virtue of this Act; nor from making any Tunnel or Tunnels, Culvert or Culverts, subterraneous or other Passages, under the said Aqueduct, Trunk, Trough, or Convenience; nor from doing all other Matters and Things necessary or expedient for the Purpose of effecting such Navigation: Provided always, that such Canals, Drains, Ditches, Locks, Staunches, Dams, Sluices, or Engines, or any such Aqueducts, Trunks, Troughs, and Conveniences, and also such Tunnels, Culverts, subterraneous or other Passages, Bridges, and other Works, Matters or Things aforesaid, be so made, and with such Banks on each Side thereof, as effectually to prevent, as far as may be, any Injury or Obstruction to the Work of Drainage to be performed by this Act, and the same be repaired, and kept in good Repair, by the Person or Persons making the same, from Time to Time, as Occasion shall be or require; and that the same be made, and afterwards from Time to Time be repaired, with as much Expedition as may be, that, in the making and repairing the same, as little Damage be done as may be, and that the same be respectively made by such Lord or Lords, or other Owner or Proprietor, Owners or Proprietors, within his, her, or their own

Navigable Canals, &c. not to be hindered, so as they do not interfere with the Drainage.

Lands or Grounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power of suspending the Execution of this Act.

LXXXIX. Provided always, and it is hereby enacted, That in case any Five Persons, being Proprietors as aforesaid, and entitled to vote in their own Right at Meetings of Proprietors as herein mentioned, shall deem an uncommon Scarcity of Money to require it, it shall and may be lawful for them to appoint a Meeting of all the Proprietors of the said Low Grounds and Carrs, who shall be qualified to vote at Meetings of Proprietors as herein-after mentioned, to be held at *Beverley* in the County of *York*, to take into Consideration the Necessity of suspending for a Time the Execution of any further Works of Drainage, by giving, in One of the *York* and One of the *Hull* Newspapers, which shall be usually circulated in the said East Riding, Thirty Days Notice of such Meeting; and it shall and may be lawful to and for the Majority of such Proprietors who shall, in Person, or by Proxy duly appointed by virtue of this Act, meet in pursuance of such Notice, in case they shall agree with the Proprietors calling such Meeting that Money cannot be obtained at Five Pounds *per Centum* upon Mortgage, from Time to Time to order the Execution of any further Works of Drainage to be suspended for any Space of Time not exceeding Six Months, and so *toties quoties*, and then and in such Case such Execution shall be suspended accordingly.

Power of Proprietors to call Meetings.

XC. And in order to enable the said Proprietors to hold such Meetings as may be necessary for the better effecting the Purposes of this Act, according to the true Intent and Meaning thereof, be it further enacted, That it shall and may be lawful for the Clerk to the said Commissioners, and he is hereby required from Time to Time as there shall be Occasion, and he shall be thereto required, either by the said Commissioners, or any Five or more Proprietors acting as Principals, by Writing under their respective Hands, (except where it is hereby otherwise directed), to advertise any such Meeting of the said Proprietors to be held, giving, in One of the *York* and One of the *Hull* Newspapers, Twenty-one Days Notice of such Meeting, and in case of any such Requisition made by any Five Proprietors, for a Meeting of Proprietors as aforesaid, the Clerk to the Commissioners for the Time being shall give Notice thereof to the said Commissioners as soon as conveniently may be.

Notice of Meeting of Proprietors to specify the Reasons for the Meeting; and no other Matter to be entered upon.

XCI. Provided always, and be it further enacted, That every Notice of any Meeting of Proprietors to be held in pursuance of this Act, shall specify the Reasons for and Intention of such Meeting; and the Proprietors hereby authorized to meet pursuant to such Notice, shall proceed to the Execution of the Powers by this Act given them with respect to the Matter so specified, and no other.

Proprietors to have a Vote at Proprietors Meetings in Person or by Proxy.

XCII. Provided also, and be it further enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons, who shall severally or jointly be seized or possessed in his, her, or their own Right, or in the Right of his or their Wife or Wives, either in Law or Equity, for his, her, or their own Use and Benefit, in Possession of a Freehold, Copyhold, or Customary Estate of Inheritance, containing at least Thirty Acres of Land, or for Life, or of an Estate for some long Term of Years determinable on One or more Life or Lives, or holding any Lease under the

the Crown, or under any Archbishop, Bishop, Dean and Chapter, Church, Hospital, College, or Corporation, of any Part of the said Low Grounds and Carrs, excepting in respect of such Lands as are held at Rack Rent, and no other, shall be deemed a Proprietor or Proprietors, for the Purpose of giving Notice of and voting at any Meeting of the Proprietors to be held by virtue of this Act, and shall have One Vote in every Public Meeting to be held by the Proprietors aforesaid, which Vote may be given by the said respective Bodies Corporate and Politic, and Persons, either by themselves or by their Proxy or Proxies, duly constituted under the Seal of the respective Bodies Corporate and Politic, and under the Hand or Hands of all other Proprietors; and such Vote or Votes by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Bodies Corporate and Politic, and other Person and Persons who shall be so seized or possessed as aforesaid of more than Thirty Acres of Land in the said Low Grounds and Carrs, shall, for every Two hundred Acres more than Thirty Acres of such Land, have Liberty and Power by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly constituted as aforesaid, to give One Vote, not exceeding in the Whole Six Votes for each such Body Corporate or Politic, or other Person or Persons respectively.

For every 200 Acres to have an additional Vote, not exceeding Six Votes.

XCIII. And whereas it is reasonable that Owners of Rights of Common should have some Right of giving Notice of and voting at Meetings of the Proprietors of the said Low Grounds and Carrs to be held in pursuance of this Act, as well as the Owners of the said Low Grounds and Carrs; be it therefore enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, at any Meeting of the Proprietors to be held by virtue of this Act, to declare what Number of Acres shall be equal to or an Equivalent for any such Rights of Common; and thereupon the Owner of any such Right or Rights of Common shall, according to such Number of Acres, and so far and no farther, be deemed a Proprietor of the said Low Grounds and Carrs, for the Purpose of giving Notice of and voting at any Meetings of Proprietors to be held by virtue of this Act, and have a Right of voting by himself, herself, or themselves, or by his, her, or their Proxy or Proxies at any Meeting of such Proprietors.

Owners of Rights of Common, how far capable of acting at Meetings of Proprietors.

XCIV. Provided always, and be it further enacted, That before any Proxy shall be permitted to vote, he shall produce and deliver, and if the Proprietors present, or the major Part of them, shall require it, shall leave with the Clerk the Instrument or Writing appointing the Person proposing to vote to be a Proxy.

Proxies to produce their Appointments before they vote.

XCV. Provided always, and be it further enacted, That no Proprietor shall be entitled to vote in Person or by Proxy in respect of any Lands or Tenements, but of such whereof he shall have been seized or possessed as *bona fide* Owner for the Space of Six Months next preceding the Time of such voting, save and except where such new Proprietor or Proprietors shall take and be entitled to the Lands and Tenements in respect whereof he, she, or they shall so claim to vote, by Descent, Will, or Marriage Settlement.

No Proprietor to be entitled to vote unless he has been a *bona fide* Owner for Six Months.

XCVI. Pro-

Seven Proprietors to be present at Proprietor Meetings, and also Proprietors entitled as Principals and Proxies to 20 Votes.

XCVI. Provided also, That if at any Publick Meeting of the Proprietors to be held in pursuance of this Act, Seven Proprietors shall not be present in Person, and there shall not be present either as Principals or Proxies, or as both Principals and Proxies, Persons entitled to Twenty Votes, then the said Meeting shall be adjourned to that Day Sevensnight, at the Place where such Meeting was appointed to be held, and so *toties quoties*, until Seven Proprietors shall be present in Person, and until there shall be present, either as Principals or Proxies, or as both Principals and Proxies, Persons entitled to Twenty Votes.

Penalty on Persons voting at Proprietors Meetings without being duly qualified.

XCVII. And be it further enacted, That if any Person who shall not be qualified to vote as a Proprietor, or as a Proxy duly constituted, shall presume to vote at any Meeting or Meetings of Proprietors to be held in pursuance or by virtue of this Act, or in case any Person or Persons, not being duly qualified so to do by virtue of this Act, shall make, sign, or execute any Appointment or Deputation of any Person or Persons as a Proxy or Proxies to vote in any of the Matters or Things relative to the said Drainage, or the Concerns thereof, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to such Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Land Cloughs, Bridges, &c. vested in the Commissioners.

XCVIII. And be it further enacted, That all the Cuts, Drains, Ditches, Dams, Banks, Sluices, Tunnels, Bridges, Cloughs, Trays, Stamps, Outlets, Mills, Giggs, Engines, and other Works, already made or erected, or which shall, at any Time hereafter, be making or erecting, or made, erected, supported, or maintained, by virtue of this Act, for the Purposes thereof, and the Ground and Soil thereof respectively, and the Rights and Property to and in the same respectively, and the Materials of which the same, or any of them, shall consist, shall be and they are hereby vested in the said Commissioners hereby nominated and appointed, and their Successors, to be nominated and appointed in the Manner herein mentioned, in Trust nevertheless for the Proprietors for the Time being of the said Low Grounds and Carrs who shall be interested in the same by virtue of this Act; and the said Commissioners are hereby authorized and empowered to bring or cause to be brought any Action or Actions of Trespass, or in Ejectment, or otherwise, in their own Names, or in the Name of any One of them, or to prefer or order and direct the preferring of Indictments, or any other Prosecution or Suit, against any Person or Persons who shall dig up, break, or pull down, steal, take, carry away, destroy, spoil, or injure, any of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist, or who, being in Possession thereof, or of any Part thereof, shall refuse or neglect to deliver the Possession thereof to the said Commissioners.

Charge and Expence of Works of Drainage towards the Sea and towards the River Hull,

XCIX. Provided always, and be it further enacted, That the Charges and Expences of all and every the Surveys, the Purchase of Lands and Tenements, and the Works of Drainage from a certain Point to the Sea, and from the same Point to the Outfall into the River *Hull*, (such Point to be fixed by *William Chapman* Engineer, or in case of his Death, or Refusal

to act, or Incapability of acting, or of his Absence from *Great Britain*, by some other skilful and experienced Engineer to be appointed by the said Commissioners), shall be kept by or by the Order of the said Commissioners separate and distinct from one another, and such Part thereof as shall be made, paid, laid out, or expended, for or on Account of any Works between such Point and the Sea, shall be paid and defrayed by the Proprietors of and Persons interested in the Low Grounds and Carrs lying between such Point and the Sea, in such Proportions, Manner, and Form, as the said Commissioners shall direct and appoint; and such Part of such Charges and Expences as shall be made, paid, laid out, or expended, for or on Account of any Works between such Point and the Outfall into the River *Hull*, shall be paid and defrayed by the Proprietors of and Persons interested in the Low Grounds and Carrs lying between such Point and the same Outfall into the River *Hull*, in such Proportions, Manner, and Form, as the said Commissioners shall direct or appoint.

to be kept separate

C. Provided also, and be it further enacted, That all the Charges and Expences preparatory to and attending the obtaining and passing this Act, and for the Pay and Salaries to, and the Charges and Expences of the Commissioners, and the Officers acting under the said Commissioners, shall be paid and defrayed by all and every the Proprietors of and Persons interested in the said Low Grounds and Carrs lying between the Sea and the said Outfall into the River *Hull*, in such Proportions, Manner, and Form, as the said Commissioners shall direct or appoint.

Expences of the Act, and the Pay and Salaries of the Commissioners and other Officers, to be proportioned by the Commissioners.

CI. Provided also, and be it further enacted, That if the Engineer appointed, or to be appointed, by virtue of this Act, to set out the Public Drains, shall think it necessary, the said Commissioners shall make and for ever maintain, or cause to be made and for ever maintained, at the Expence of the Proprietors of and Persons interested in the Low Grounds and Carrs lying between the Point aforesaid and the Sea, and in such Proportions, Manner, and Form, as they the said Commissioners shall think proper, a Sea Clough, or some other sufficient Clough, against the Sea.

Empowering the Commissioners to make a Sea Clough, &c. if necessary.

CII. And be it further enacted, That the said Commissioners shall make and for ever maintain, or cause to be made and for ever maintained, (at the Expence, in equal Moieties, of the Proprietors of and Persons interested in the Low Grounds and Carrs hereby intended to be drained into the Sea; and the Proprietors of and Persons interested in the Low Grounds and Carrs intended to be drained into the River *Hull*, and in such Proportions, Manner, and Form respectively, as they the said Commissioners shall think proper), some sufficient Mound, Bank, or Barrier, not only to keep separate and distinct the Waters which shall respectively pass into the River *Hull* and into the Sea, but also to save harmless the Low Grounds and Carrs lying towards the West of the Point aforesaid from Inundation by the Sea, through which Mound, Bank, or Barrier, the Low Grounds and Carrs lying towards the West of the said Point, shall not have a Passage for their Waters to the Sea; nor shall the Proprietors of or Persons interested in the Low Grounds and Carrs lying between the Point aforesaid and the Sea, have a Passage for their Waters to the Westward of the Point aforesaid.

Empowering the Commissioners to make a Barrier between the Drainage to the Sea, and the Drainage into the River *Hull*.

The Owner of *Foston Mill* not to be prevented from exercising the Privilege enjoyed by him at present, of turning the Water in the *West Beck* into a certain Drain, or from turning the Water of the Mill Dam by its present Course into the *Old Howe*.

The Owner of *Foston Mill* not to be prevented from turning the Water of *Foston Beck* into the Drain, for the Purpose of removing any Obstructions to the Passage of the Water.

The Owner of *Foston Mill* to make Recompence for any Injury done to the Drainage.

CIII. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to deprive, or in anywise to prejudice the Right or Privilege of the Owner or Occupier of *Foston Mill*, from turning or diverting the Water in the *West Beck* into a Drain lately awarded by the Commissioners for the Inclosure of certain Lands and Grounds at *Foston*, through a Tunnel made under the same *West Beck*, or from continuing the same so turned, for such reasonable Time only as may be necessary for the Purpose of repairing the said Mill, and scouring the Beck below such Mill, in pursuance of the Power and Authority given by the Award of the said Commissioners for the said Inclosure, or from turning or diverting the Water of the Mill Dam, by its present Course into the *Old Howe*.

CIV. And be it further enacted, That nothing in this Act contained shall prevent the Owner or Owners of the said Mill for the Time being, with the Consent of the Commissioners appointed or to be appointed by virtue of this Act, from letting and turning, in dry Seasons, into the Drain or Drains hereby intended to be made, all or any Part of the Water in, of, or belonging to, or coming, running, or flowing into *Frodingham* otherwise *Foston Beck*, between the *Driffeld* Cut or Canal and *Foston Mill*, or any Part thereof, for so long Time as shall be requisite or necessary for the Purpose of removing or taking away any Obstructions to the Passage of the Water in the said *Frodingham* otherwise called *Foston Beck*, and of thereby facilitating the Discharge of the Water in the same Beck, and rendering the said Drainage more effectual; any Thing herein contained to the contrary thereof in anywise notwithstanding.

CV. Provided always, and for removing any Apprehension of Injury or Damage to the Low Grounds and Carrs hereby intended to be drained, or any of them, or any of the Works therein or thereto belonging, or in any Manner relating to the said Drainage, by the Influx of any Water or Waters, or by any Injury or Damage of what Nature or Kind soever, to be made or done by the Owner or Owners of the said Mill, or his, her, or their Tenant or Tenants thereof, or by his, her, or their Assignee or Assignees, or by any of the Works of them, or any of them; be it further enacted, That when any such Injury or Damage shall happen or be done by the Owner or Owners of the said Mill, or by his, her, or their Tenant or Tenants thereof, or any Agent or Agents, Person or Persons, acting under them, or any of them, it shall be lawful for the Commissioners for the said intended Drainage to make Complaint thereof to the Owner or Owners, Occupier or Occupiers, of the said Mill, who shall, and he, she, and they are and is hereby required, authorized, and empowered, within One Month next after receiving Notice, in Writing, of such Injury or Damage, signed by the Clerk to the Commissioners for the said intended Drainage, to appoint a Person (not in anywise interested in the said Mill, or the said *Frodingham* otherwise called *Foston Beck*) as an Arbitrator; and the Commissioners for the said intended Drainage shall, and they are hereby required, authorized, and empowered, within the same Month, to appoint One other Person, not in anywise interested in the said intended Drainage, as another Arbitrator; which Two Persons so appointed shall be and they are hereby authorized and empowered to settle and determine the Recompence which shall be made by the Owner or Owners of the said Mill to the Commissioners for the said intended Drainage;

and the Owner and Owners, Occupier and Occupiers, of the said Mill, shall make to the Commissioners for the said Drainage such Recompence accordingly, to be applied in making a Recompence to the Person or Persons who shall sustain such Injury or Damage as aforesaid, or in any of the Works of Drainage, as to the Commissioners for the said intended Drainage shall seem just and reasonable; and in case the said Arbitrators shall not agree in Opinion touching such Recompence, they shall and are hereby required, authorized, and empowered, before they proceed to settle and determine such Recompence, to nominate a Third Person (in nowise interested in the said Mill, Beck, or Drainage) as an Umpire, who shall and is hereby required, authorized, and empowered, to attend them the said Arbitrators upon any Survey or Surveys to be by them the said Arbitrators made, and in case of such Difference in Opinion as aforesaid, to settle, determine, and award the Recompence which shall be made to the Commissioners for the said intended Drainage, by the Owner or Owners, Occupier or Occupiers, of the said Mill, who are and is hereby required to make such Recompence accordingly; and such Arbitrators and Umpire so appointed as aforesaid, shall, and they and he is and are hereby respectively authorized and required to make an Award in Writing, under their Hands and Seals, or his Hand and Seal, to ascertain and award the Recompence to be made as last aforesaid, which Award so to be made by the said Arbitrators or Umpire as aforesaid, shall be final and conclusive, and be admitted and taken as Evidence in any Court of Law or Equity; and in case the said Arbitrators or Umpire so appointed shall die, or refuse or neglect to act, or shall not settle the Matter aforesaid, and make an Award within the Space of Three Calendar Months next after Notice given to them of such their Appointment, then another Arbitrator, Arbitrators, or Umpire, shall be appointed in Manner aforesaid; and such Arbitrator, Arbitrators, or Umpire, shall severally and respectively have and enjoy the like Powers and Authorities as are hereby vested or intended to be vested in the Arbitrators and Umpire last mentioned: Provided always, that in case the said Arbitrators or Umpire shall be of Opinion that Injury or Damage has been sustained by any of the said Low Grounds and Carrs, or any of the Works therein or thereto belonging, or by the said Drainage, then the Owner and Owners, Occupier and Occupiers, of the said Mill, shall, and he, she, and they, are and is hereby required to defray all the Charges and Expences incident to the said Arbitration and Award; but if the said Arbitrators or Umpire shall deem such Complaint groundless or frivolous, then the Commissioners for the said intended Drainage shall, and they are hereby required, authorized, and empowered, to defray all the Charges and Expences incident to the said Arbitration and Award.

CVI. Provided always, and be it further enacted, That in case the Owner and Owners, Occupier and Occupiers, of the said Mill, shall refuse or neglect to appoint Arbitrators as aforesaid, or the said Arbitrators shall refuse or neglect to appoint an Umpire as aforesaid, or the said Arbitrators or Umpire shall refuse or neglect to make an Award as aforesaid, that then and in any of the said Cases, it shall and may be lawful to and for the Commissioners for the said Drainage, to bring, prosecute, and recover, in an Action against the Owner and Owners, Occupier and Occupiers, of the said Mill, or any of them, for the Injury or Damage to be sustained as aforesaid.

In Default of the Arbitrators or Umpire making an Award, an Action to be brought by the Drainage Commissioners against the Owner of *Foston Mill.*

CVII. And

The Powers of the Commissioners of the *Driffeld* Navigation reserved.

CVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to debar, deprive, or hinder, the Commissioners and Proprietors of the *Driffeld* Navigation from the full Use and Enjoyment of all and every the Authorities, Powers, and Privileges, granted to them in and by an Act, made and passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for improving the Navigation of the River Hull and Frodingham Beck, from Aike Beck Mouth to the Clough on the East Corner of Fishholme; and for extending the said Navigation, from the said Clough, into or near the Town of Great Driffeld, in the East Riding of the County of York;* any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Empowering the Commissioners of Drainage to make a Culvert, Tunnel, etc. under the *Driffeld* Canal.

CVIII. And be it further enacted, That if at any Time hereafter the Commissioners for the said intended Drainage shall deem it necessary for the perfecting thereof to make or place any Culvert, Tunnel, or subterraneous Passage or Passages for the Water, from any of the Low Grounds and Cars hereby intended to be drained, under the said Navigation, in order to take off Water, nothing in this Act contained shall prevent them from so doing, provided that such Culvert, Tunnel, or subterraneous Passage or Passages for the Water, be laid so much beneath the Bottom of the said Navigation, and be respectively of such Dimensions, and so constructed as shall be thought necessary or proper by *William Jessop* of *Newark upon Trent*, in the County of *Nottingham*, Engineer, or in case of his Death, or Refusal to act, Absence from *Great Britain*, or Incapability of acting, by some other able and experienced Engineer, to be appointed by the Commissioners for the said *Driffeld* Navigation, the Costs, Charges, and Expences, of such Engineer, and of his Journies, Survey, and all other Matters incident to his Employment, or occasioned thereby, to be from Time to Time borne and defrayed by the Commissioners of the said Drainage.

Commissioners of the *Driffeld* Navigation not to be prevented from putting down a Lock.

CIX. Provided always, and be it further enacted, That nothing in this Act contained, nor any Work which shall be done in the Execution thereof, shall prevent the Commissioners of the said Navigation from erecting any Lock or Locks upon the said Navigation, or from putting down any Penweir in order to raise the Water of or in the said Navigation, if the Commissioners of the said Navigation, for the Preservation thereof, shall at any Time hereafter deem it necessary to do so, provided that the Water in the said Navigation be not raised by such Lock or Locks, or Penweir, above the Level of an Offset at *Frodingham Bridge*, ascertained by Master *William Chapman* (an Engineer) in the Sixth Page of the printed Report on the said *Driffeld* Navigation, dated the Thirtieth Day of *November* One thousand seven hundred and ninety-six; and provided also, that such Penweir so to be put down, be of a Width equal to that Part of the River where it shall be placed for the Purposes aforesaid: Provided also, that to remove any Apprehension of Injury to the said Navigation, by taking off any Water usually flowing into the same, and that the Commissioners of the said Navigation may not be deprived of any of the Powers which they now possess of performing such Works as they shall judge proper for the making, maintaining, and using the said Navigation, nothing in this Act contained shall prevent, or in anywise be construed to prevent, the Commissioners of the *Driffeld* Navigation from letting or turning into the Drain



or Drains hereby intended to be made, all or any Part of the Waters in, of, or belonging to, or coming, running, or flowing into the said Navigation, upon Ten Days previous Notice in Writing to be delivered to, or left at the House or other Place of Abode of, the Clerk for the Time being to the Commissioners for the said intended Drainage, by the Clerk to the Commissioners of the *Driffeld* Navigation.

CX. And, for removing any Apprehension of Injury to the *Driffeld* Navigation, or to the Use and Occupation thereof, by preventing or diminishing the Influx of any Water or Waters, or by any other Injury of what Nature or Kind soever, to be made or done by the said intended Drainage, or any of the Works thereof, be it further enacted, That whenever any such Injury shall happen or be done by the Commissioners for the said intended Drainage, or by any Agent or Agents, Person or Persons, acting under their Authority, it shall be lawful for the Commissioners of the said Navigation to make Complaint thereof to the Commissioners for the said intended Drainage, who shall, and they are hereby required, authorized, and empowered, within One Month next after receiving Notice in Writing of such Injury, signed by the Clerk to the Commissioners of the said Navigation, to appoint a Person (not in anywise interested in the said intended Drainage) as an Arbitrator; and the Commissioners of the said Navigation shall and they are hereby required, authorized, and empowered, within the Month last mentioned, to appoint one other Person (not in anywise interested in the said Navigation) as another Arbitrator, which Two Persons so appointed, shall be, and they are hereby authorized and empowered to settle and determine the Recompence which shall be made by the Commissioners for the said intended Drainage, to the Commissioners for the said Navigation; and the Commissioners for the said intended Drainage shall, out of the Money to be raised by virtue of this Act, make such Recompence accordingly; but lest the said Arbitrators should not agree in Opinion touching such Recompence, they shall, and are hereby required, authorized, and empowered (before they proceed to settle and determine such Recompence) to nominate a Third Person (in nowise interested in either the said Navigation or Drainage) as an Umpire, who shall, and is hereby required, authorized, and empowered, to attend them the said Arbitrators, upon any Survey or Surveys to be by them the said Arbitrators made; and in case of such Difference in Opinion as aforesaid, to settle, determine, and award the Recompence which shall be made to the Commissioners of the said Navigation by the Commissioners for the said intended Drainage, who are hereby required, authorized, and empowered, out of the Monies to be raised by virtue of this Act, to make such Recompence accordingly: Provided always, that such Arbitrators and Umpire so appointed as aforesaid shall, and they and he are and is hereby respectively authorized and required to make an Award in Writing under their Hands and Seals, or his Hand and Seal, to ascertain and award the Recompence to be made as aforesaid, which Award or Awards, so to be made by the said Arbitrators or Umpire as aforesaid, shall be Evidence, and taken as final and conclusive, and be admitted as Evidence in any Court of Law or Equity; and in case the said Arbitrators or Umpire so appointed shall die, or refuse or neglect to act, or shall not settle the Matter aforesaid, and make an Award within the Space of Three Calendar Months next after Notice given to them of such their Appointment, then another Arbitrator, Arbitrators, or Umpire, shall be appointed

For making  
Recompence  
for any In-  
jury done to  
the *Driffeld*  
Navigation.

Arbitrators of  
Umpire to be  
appointed.

Award to be  
made.

pointed in Manner aforesaid; and such Arbitrator, Arbitrators, or Umpire, shall severally and respectively have and enjoy the like Powers and Authorities as are hereby vested, or hereby intended to be vested, in the Arbitrators and Umpire first mentioned: Provided also, that in case the said Arbitrators or Umpire shall be of Opinion that Injury has been sustained by the said Navigation, then the Commissioners for the said intended Drainage shall, and they are hereby required, authorized, and empowered, to defray all the Charges and Expences incident to the said Arbitration and Award; but if the said Arbitrators or Umpire shall deem such Complaint groundless and frivolous, then the Commissioners of the said Navigation shall, and they are hereby required, authorized, and empowered to defray all the Charges and Expences incident to the said Arbitration and Award.

In Default of Award by Arbitrators or Umpire, Action to be brought by Driffeld Navigation Commissioners.

CXI. Provided always, and be it further enacted, That in case the Commissioners of the said Drainage shall refuse or neglect to appoint Arbitrators as aforesaid, or the said Arbitrators shall refuse or neglect to appoint an Umpire as aforesaid, or the said Arbitrators or Umpire shall refuse or neglect to make an Award as aforesaid, that then and in every of the said Cases it shall and may be lawful to and for the said Commissioners for the said Navigation to bring, prosecute, and recover in an Action against the Commissioners for the said Drainage for the Injury or Damage to be sustained as aforesaid.

For making Recompence for any Injury done to the Low Grounds by the Commissioners for the Driffeld Navigation.

CXII. Provided always, and for removing any Apprehension of Injury or Damage to the Low Grounds and Carrs hereby intended to be drained, or any of them, or any of the Works therein or thereto belonging or appertaining, by the letting or turning of any Water or Waters from the said Navigation into any of the said Low Grounds or Carrs, be it further enacted, That whenever any such Injury or Damage shall happen or be done by the Commissioners for the said Navigation, or by any Agent or Agents, Person or Persons acting under them, it shall be lawful for the Commissioners for the said intended Drainage to make Complaint thereof to the Commissioners for the said Navigation, who shall, and they are hereby required, authorized, and empowered, within One Month next after receiving Notice, in Writing, of such Injury or Damage, signed by the Clerk to the Commissioners for the said intended Drainage, to appoint a Person (not in anywise interested in the said Navigation) as an Arbitrator, and the Commissioners for the said intended Drainage shall, and they are hereby required, authorized, and empowered, within the Month last mentioned, to appoint One other Person (not in anywise interested in the said intended Drainage) as another Arbitrator, which Two Persons so appointed shall be, and they are hereby authorized and empowered to settle and determine the Recompence which shall be made by the Commissioners of the said Navigation to the Commissioners for the said intended Drainage; and the Commissioners for the said Navigation shall, out of the Lock Dues arising from the said Navigation, make to the Commissioners for the said Drainage such Recompence accordingly, to be applied in making a Recompence to the Person or Persons who shall sustain such Injury or Damage as aforesaid, or in any of the Works of Drainage, as to the Commissioners for the said intended Drainage shall seem just and reasonable; but lest the said Arbitrators should not agree in Opinion touching such Recompence, they shall and are hereby required, authorized, and empowered, before they proceed to settle and determine such Recompence,

Recompence, to nominate a Third Person (in nowise interested in the said Navigation or Drainage) as an Umpire, who shall and is hereby required, authorized, and empowered, to attend them the said Arbitrators upon any Survey or Surveys to be by them the said Arbitrators made, and in case of such Difference in Opinion as aforesaid, to settle, determine, and award the Recompence which shall be made to the Commissioners for the said intended Drainage by the Commissioners for the said Navigation, who are hereby required, authorized, and empowered, out of the Monies arising from the said Navigation, to make such Recompence accordingly: Provided always, that such Arbitrators and Umpire so appointed as aforesaid shall, and they and he are and is hereby respectively authorized and required to make an Award in Writing under their Hands and Seals, or his Hand and Seal, to ascertain and award the Recompence to be made as last aforesaid, which Award or Awards so to be made by the said Arbitrators or Umpire as aforesaid, shall be Evidence, and taken as final and conclusive, and be admitted as Evidence in any Court of Law or Equity; and in case the said Arbitrators or Umpire so appointed shall die, or refuse or neglect to act, or shall not settle the Matter aforesaid, and make an Award within the Space of Three Calendar Months next after Notice given to them of such their Appointment, then another Arbitrator, Arbitrators, or Umpire, shall be appointed in Manner aforesaid; and such Arbitrator, Arbitrators, or Umpire, shall severally and respectively have and enjoy the like Powers and Authorities as are hereby vested, or hereby intended to be vested, in the Arbitrators and Umpire last mentioned: Provided also, that in case the said Arbitrators or Umpire shall be of Opinion that Injury or Damage has been sustained by the said Drainage, then the Commissioners for the said Navigation shall, and they are hereby required, authorized, and empowered to defray the Charges and Expences incident to the said Arbitration and Award; but if the said Arbitrators or Umpire shall deem such Complaint groundless or frivolous, then the Commissioners for the said intended Drainage shall, and they are hereby required, authorized, and empowered, to defray all the Charges and Expences incident to the said Arbitration and Award.

CXIII. Provided always, and be it further enacted, That in case the Commissioners for the said Navigation shall refuse or neglect to appoint Arbitrators as aforesaid, or the said Arbitrators shall refuse or neglect to appoint an Umpire as aforesaid, or the said Arbitrators or Umpire shall refuse or neglect to make an Award as aforesaid, that then and in any of the said Cases, it shall and may be lawful to and for the said Commissioners for the said Drainage, to bring, prosecute, and recover, in an Action against the Commissioners for the said Navigation, for the Injury or Damage to be sustained as aforesaid.

In Default of Award by Arbitrators or Umpire, an Action to be brought by Drainage Commissioners.

CXIV. Provided also, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to change, vary, alter, or divert, the present Course of *Frodingham Beck*, the Canal of the *Driffeld Navigation*, *West Beck*, otherwise called *The Old River*, *Watton Beck*, *Ayke Beck*, *Beverley Beck*, *Newland Beck*, *Scurf Dyke* or *Bullock Dyke*, so as to injure, prejudice, or obstruct, the Passage of the Waters into the River *Hull*, or to lessen the respective Banks of the said River, Canal, Becks, Brooks, and Streams, except only so far as shall from

Course of *Frodingham Beck*, &c. not to be varied.

Time

Time to Time be necessary or proper for placing, maintaining, and repairing Culverts, Tunnels, or subterraneous Passages for the Waters under the same, and turning the Waters over the same Culverts, and making, maintaining, and repairing Bridges over the same respectively, and repairing the same, and making and maintaining such other Works as shall or may be necessary or expedient for effecting the Purposes of this Act, the said Commissioners, during the Time of making such Culverts, Tunnels, or subterraneous Passages, making a new Course or Courses for the Passage of the Waters which shall be thereby obstructed or diverted.

Commissioners not to interfere with the Cottingham or Skidby Drainage;

CXV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower or authorize the Commissioners appointed or to be appointed by virtue of this Act, to injure, prejudice, obstruct, change, vary, alter, or divert, any of the Works of Drainage executed under the Authority of Three Acts, One passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for dividing, inclosing, and draining, certain Lands, Grounds, and Common Pastures, in the Parish of Cottingham in the East Riding of the County of York*; another, passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for dividing and inclosing certain Open Fields, Lands, and Grounds, in the Parish of Cottingham in the East Riding of the County of York; and for amending an Act, passed in the Sixth Year of the Reign of His present Majesty, for dividing, inclosing, and draining, certain Lands, Grounds, and Common Pastures, in the said Parish*; and the other, passed in the Twenty-fifth Year of His present Majesty's Reign, intituled, *An Act for draining, preserving, and improving, certain Low Grounds and Carrs, in the several Parishes of Saint John in Beverley, and of Skidby, in the East Riding of the County of York*; or to lessen the respective Banks thereof, or to make use of the main Drains made under or by virtue of the Authority contained in the said Acts of Parliament, or any of them, without the Consent and Approbation of the Commissioners, Trustees, or other Person or Persons appointed or to be appointed for putting in Execution the said Acts of Parliament respectively; or without providing good and sufficient Drains in lieu of any Drains which it may be necessary to make use of for the Purposes of this Act.

but to have Power to make Culverts, &c.

CXVI. Provided always nevertheless, and notwithstanding any Thing herein contained to the contrary, That it shall and may be lawful to and for the Commissioners appointed or to be appointed by virtue of this Act, to make and place any Culverts, Tunnels, or subterraneous Passages for the Waters under, and Bridges over the same main Drains, and to maintain and repair the same, and to make and maintain such other Works as shall or may be necessary or expedient for effecting the Purposes of this Act, doing as little Damage as may be thereby, and making Satisfaction for the same.

Saving of Royalties.

CXVII. And be it further enacted, That the Lord or Lords of the several and respective Manors within the Parishes, Townships, and Places, aforesaid, or any of them, and all and every other Person and Persons whomsoever, shall have full Liberty to fish, fowl, and exercise all the other Rights and Royalties on the Rivers, Ponds, Sewers, Drains, and Cuts, now made or hereafter to be made by virtue of this Act, of

any

any of the Branches thereof, which they have usually exercised or enjoyed, and to which they are or shall be entitled by Law, any Thing herein contained to the contrary thereof in anywise notwithstanding; nevertheless so as that the Exercise of such Rights and Royalties shall not hinder, obstruct, interfere with, or interrupt, the general Drainage hereby intended, or other Execution of this Act.

CXVIII. Provided always, and be it further enacted, That the said Commissioners, or any of them, shall not be answerable for one another, but each for himself and his own Acts only, nor for any Sum or Sums of Money but what they respectively shall actually receive, nor for any Security taken by them from any Person or Persons, nor for any Person with whom any Money to be raised by virtue of this Act shall be entrusted, or shall be lodged for safe Custody, nor for any Officer employed under them; and that they the said Commissioners, and each of them, shall and may, from Time to Time, out of the Monies to be raised by virtue of this Act, deduct, retain, and reimburse, unto him and themselves respectively, all such Costs, Charges, Damages, and Expences, as they, or any of them, shall necessarily or reasonably bear, pay, expend, sustain, or be put unto by reason of the Trusts hereby in them reposed, or the Execution thereof, or otherwise relating thereunto; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners not to be answerable for one another, nor for their Officers, &c. and to reimburse themselves any Expences they may be put unto.

CXIX. And be it further enacted, That all Persons who shall think themselves aggrieved by the Order, Conviction, or Judgement, of any Justice or Justices of the Peace, upon Account of any Offence committed or supposed to be committed against this Act, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said East Riding against any such Order, Conviction, Judgement, or Penalty, at the next General or Quarter Sessions of the Peace to be held for the said Riding, after the Cause of such Appeal shall happen, and also all Persons who shall think themselves aggrieved by any Payment made, or directed to be made, by or by the Order of the said Commissioners, to any Person or Persons who shall claim Title thereto as a Debt due from, and payable by, the said Commissioners, their Treasurer or Receiver, may appeal to the Justices of the Peace for the said Riding at the next General Sessions of the Peace to be held for the said Riding next after the Annual Allowance by the said Commissioners of the Account of such Payment, the Person or Persons so appealing first entering into a Recognizance, with Two sufficient Sureties, to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs, which shall be ascertained by the said Justices in the said General or Quarter Sessions, in case such Order and Judgement shall be affirmed; and the said Justices in their said General or Quarter Sessions, are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just, which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of *Certiorari*, or otherwise, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Allowing an Appeal to the Quarter Sessions.

Limitation of  
Actions.

CXX. And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought and laid in the said County of *York*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and, if in Replevin, may justify and avow by virtue of this Act as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the Special Matter in Evidence without specially pleading the same (other than as aforesaid) at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass or Judgement be given against him, her, or them upon Demurrer, or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Cofts, for which he, she, or they shall have the like Remedy, as where Cofts are awarded.

Treble Cofts.

Not to recover  
but for Special  
Damage.

CXXI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant, or Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in any Action upon the Case.

Public Act.

CXXII. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Public Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.